

**Executive Summary – Enforcement Matter – Case No. 57453**

**City of Sonora**

**RN101384261**

**Docket No. 2021-0906-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

A violation of a commission issued enforcement order or court order.

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

City of Sonora Water System, 201 East Main Street, Sonora, Sutton 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:** June 7, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$11,475

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Supplemental Environmental Project (“SEP”) Conditional Offset:** \$11,475

Name of SEP: PWS Pump Replacement (Compliance)

**Compliance History Classifications:**

Person/CN - High

Site/RN - N/A

**Major Source:** Yes

**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:** May 27, 2021

**Date(s) of NOE(s):** July 9, 2021

**Executive Summary – Enforcement Matter – Case No. 57453**

**City of Sonora**

**RN101384261**

**Docket No. 2021-0906-PWS-E**

***Violation Information***

1. Failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351].
2. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].
3. Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent [30 TEX. ADMIN. CODE § 290.42(e)(4)(C) and TCEQ Agreed Order Docket No. 2019-0417-PWS-E, Ordering Provision No. 2.a.i].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
2. The Order will also require the Respondent to:
  - a. Within 30 days, update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications.
  - b. Within 45 days, submit written certification to demonstrate compliance with a.
  - c. Within 60 days:
    - i. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs located at Love Funeral Home, Love's Travel Stop, Sonora City Pool, and Sonora Dentistry; and

**Executive Summary – Enforcement Matter – Case No. 57453**

**City of Sonora**

**RN101384261**

**Docket No. 2021-0906-PWS-E**

ii. Provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent at the County Yard chlorinator room.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 180 days, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the changes made at the City Hill maintenance building, the Thompson Hill station, the City Hill basement pressure facility, and the Marigold Hillside station.

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

g. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director.

h. Within 285 days, submit written certification to demonstrate compliance with g.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**TCEQ SEP Coordinator:** Adena Crider, SEP Coordinator, Litigation Division, MC 175, (512) 239-0648

**Respondent:** The Honorable Juanita Gomez, Mayor, City of Sonora, 201 East Main Street, Sonora, Texas 76950

Art Fuentes, City Manager, City of Sonora, 201 East Main Street, Sonora, Texas 76950

**Respondent's Attorney:** N/A



<b>Screening Date</b>	13-Jul-2021	<b>Docket No.</b>	2021-0906-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Sonora	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	57453	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN101384261			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			

  

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	2	40%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

<b>Compliance History Notes</b>	Enhancement for one NOV with the same/similar violations and two agreed orders containing a denial of liability. Reduction for High Performer classification.
---------------------------------	---

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 35%

Screening Date

13-Jul-2021

Docket No.

2021-0906-PWS-E

PCW

Respondent

City of Sonora

Case ID No.

57453

Reg. Ent. Reference No.

RN101384261

Media

Public Water Supply

Enf. Coordinator

Samantha Salas

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351

Violation Description

Failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent disconnected two, 10-gallon-per-minute ("gpm") booster pumps and one, 52-gallon pressure tank at the City Hill maintenance building, disconnected two, 500-gpm booster pumps at the Thompson Hill station, removed one, 510-gpm booster pump at the City Hill basement pressure facility, and replaced two, 246-gpm booster pumps with two, 7.5-horsepower variable frequency booster pumps at the Marigold Hillside station without approval.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

20.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,000

\$1,000

Violation Events

Number of Violation Events

1

47

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$100

Violation Final Penalty Total

\$1,350

This violation Final Assessed Penalty (adjusted for limits)

\$1,350

# Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 57453  
**Reg. Ent. Reference No.** RN101384261  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	6-Oct-2020	8-Oct-2022	2.01	\$100	n/a	\$100

Notes for DELAYED costs

The delayed cost includes the estimated amount to notify and receive approval from the Executive Director for the significant changes made to the Facility's production and treatment, including but not limited to the changes made at the City Hill maintenance building, the Thompson Hill station, and the Marigold Hilltop station, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

## Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

**TOTAL** \$100

<b>Screening Date</b> 13-Jul-2021 <b>Respondent</b> City of Sonora <b>Case ID No.</b> 57453 <b>Reg. Ent. Reference No.</b> RN101384261 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Samantha Salas		<b>Docket No.</b> 2021-0906-PWS-E <b>PCW</b>																		
		<i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>																		
<b>Violation Number</b> 2 <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.44(h)(4)																				
<b>Violation Description</b> Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, BPAs located at the following locations had not been tested on an annual basis (last test date): Love Funeral Home (7/13/2011), Love's Travel Stop (12/7/2018), Sonora City Pool (2/27/2018), and Sonora Dentistry (never tested).																				
		<b>Base Penalty</b> \$5,000																		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
OR	<table border="1"> <tr> <td></td> <td colspan="3"><b>Harm</b></td> </tr> <tr> <td><b>Release</b></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Potential</td> <td>x</td> <td></td> <td></td> </tr> </table>				<b>Harm</b>			<b>Release</b>	Major	Moderate	Minor	Actual				Potential	x			<b>Percent</b> 30.0%
		<b>Harm</b>																		
	<b>Release</b>	Major	Moderate	Minor																
Actual																				
Potential	x																			
<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1"> <tr> <td></td> <td>Major</td> <td>Moderate</td> <td>Minor</td> </tr> <tr> <td>Falsification</td> <td></td> <td></td> <td></td> </tr> </table>				Major	Moderate	Minor	Falsification				<b>Percent</b> 0.0%								
	Major	Moderate	Minor																	
Falsification																				
Matrix Notes	Failure to test backflow prevention assemblies on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.																			
			<b>Adjustment</b> \$3,500																	
			\$1,500																	
<b>Violation Events</b>																				
Number of Violation Events 2		47 Number of violation days																		
	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td>x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event		<b>Violation Base Penalty</b> \$3,000				
daily																				
weekly																				
monthly	x																			
quarterly																				
semiannual																				
annual																				
single event																				
Two monthly events are recommended, calculated from the date of the investigation, May 27, 2021, to the date of screening, July 13, 2021.																				
<b>Good Faith Efforts to Comply</b>		0.0%	Reduction \$0																	
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer																		
Extraordinary																				
Ordinary																				
N/A		x																		
Notes		The Respondent does not meet the good faith criteria for this violation.																		
		<b>Violation Subtotal</b> \$3,000																		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>																		
Estimated EB Amount \$156		Violation Final Penalty Total \$4,050																		
		This violation Final Assessed Penalty (adjusted for limits) \$4,050																		



# Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 57453  
**Reg. Ent. Reference No.** RN101384261  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	6-Oct-2020	8-May-2022	1.59	\$8	n/a	\$8
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

## Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$143	6-Oct-2020	13-Jul-2021	0.77	\$5	\$143	\$148
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to test the BPAs (\$31 per test x four tests) and associated interest, calculated from the date of the investigation initially documenting the Sonora Dentistry BPA test violation to the screening date.						

Approx. Cost of Compliance	\$243	TOTAL	\$156
----------------------------	-------	-------	-------

<b>Screening Date</b>	13-Jul-2021	<b>Docket No.</b>	2021-0906-PWS-E	<b>PCW</b>
<b>Respondent</b>	City of Sonora	Policy Revision 5 (January 28, 2021)		
<b>Case ID No.</b>	57453	PCW Revision February 11, 2021		
<b>Reg. Ent. Reference No.</b>	RN101384261			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Samantha Salas			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(4)(C) and TCEQ Agreed Order Docket No. 2019-0417-PWS-E, Ordering Provision No. 2.a.i			
<b>Violation Description</b>	Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent. Specifically, the upper vent lacked louvers at the County Yard chlorinator room.			
		<b>Base Penalty</b>	\$5,000	

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

<b>OR</b>		<b>Release</b>	<b>Harm</b>		
		Major	Moderate	Minor	
	Actual				<b>Percent</b> 15.0%
Potential		x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to provide adequate ventilation could expose employees to a significant amount of contaminants which would not exceed levels protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events	6	532	Number of violation days
----------------------------	---	-----	--------------------------

	daily				
	weekly				<b>Violation Base Penalty</b> \$4,500
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Six quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0417-PWS-E, January 28, 2020, to the date of screening, July 13, 2021.

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
		<b>Reduction</b> \$0

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

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

**Violation Subtotal** \$4,500

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

<b>Estimated EB Amount</b>	<b>Statutory Limit Test</b>
\$34	

**Violation Final Penalty Total** \$6,075

**This violation Final Assessed Penalty (adjusted for limits)** \$6,075

# Economic Benefit Worksheet

**Respondent** City of Sonora  
**Case ID No.** 57453  
**Reg. Ent. Reference No.** RN101384261  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

## Delayed Costs

Equipment	\$200	28-Jan-2020	10-Jun-2022	2.37	\$2	\$32	\$34
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent at the County Yard chlorinator room, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0417-PWS-E to the estimated date of compliance.						

## Avoided Costs

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

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

Approx. Cost of Compliance	\$200	TOTAL	\$34
----------------------------	-------	-------	------



# Compliance History Report

Compliance History Report for CN600247993, RN101384261, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600247993, City of Sonora **Classification:** HIGH **Rating:** 0.00

**Regulated Entity:** RN101384261, CITY OF SONORA WATER SYSTEM **Classification:** NOT APPLICABLE **Rating:** N/A

**Complexity Points:** N/A **Repeat Violator:** N/A

**CH Group:** 14 - Other

**Location:** 201 EAST MAIN STREET, SONORA, SUTTON COUNTY, TEXAS

**TCEQ Region:** REGION 08 - SAN ANGELO

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 2180001 **WATER LICENSING LICENSE** 2180001

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** October 25, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 25, 2016 to October 25, 2021

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Steven T Hall **Phone:** (512) 239-2569

## 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: 12/05/2017 ADMINORDER 2017-0014-MLM-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 25 TAC Chapter 295, SubChapter H 295.182(b)(2)  
40 CFR Chapter 370, SubChapter J, PT 370, SubPT C 370.45(a)
- Description: Failure to submit a Tier II Report annually.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
- Description: Failure to ensure wells are sealed by a gasket or sealing compound.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)
- Description: Failure to ensure the openings of air release devices are covered with 16-mesh or finer, screening material.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
- Description: Failure to place a small bottle of fresh ammonia solution for testing chlorine leakage in an area readily accessible outside the chlorine room and immediately available to the operator.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)
- Description: Failure to provide forced air ventilation including screened and louvered floor level and high level vents, a fan located at and drawing air in through the top vent and discharging to the outside atmosphere through the floor level vent; and a fan switch located outside the enclosure.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
- Description: Failure to compile a Plant Operations Manual.

Description: Failure to compile a Plant Operations Manual.

Classification: Minor

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

Description: Failure to maintain an overflow cover that fits tightly with no gap over 1/16 inch.

Classification: Minor

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

Description: Failure to ensure the Customer Service Agreement prohibits the use of pipes and pipe fittings for installation or repair that contain more than 0.25% lead or solders and flux that contain more than 0.2% lead.

Classification: Minor

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

Description: Failure to conduct a Customer Service Inspection (CSI), and failure to use the correct CSI form.

Classification: Minor

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

Description: Failure to use accurate testing equipment to monitor the effectiveness of chemical treatment.

Classification: Moderate

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

Description: Failure to securely install water system electrical wiring in compliance with a local or national electrical code.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure to secure water treatment plants, appurtenances, and wells by a locked building or an intruder-resistant fence, with gates locked when the plant and well is unattended.

2 Effective Date: 01/28/2020 ADMINORDER 2019-0417-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(h)(2)

30 TAC Chapter 290, SubChapter D 290.39(h)(3)

Description: Failed to notify the Executive Director in writing before the start of construction and upon completion of the water works project and attest to the fact that the completed work is substantially in accordance with the plans and change orders on file with the commission. Specifically, the Executive Director was not notified in writing before the start of construction nor upon the completion of the project regarding the facilities at Love's Country Store 700.

Classification: Moderate

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

Description: Failed to furnish a copy of well completion data for review and approval by the Executive Director prior to placing the two public drinking water wells at Love's Country Store 700 into service.

Classification: Moderate

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

Description: Failed to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well. Specifically, the two new public drinking water wells at Love's Country Store 700 were surrounded by rough rocks and uneven ground which prevent proper ground maintenance.

Classification: Moderate

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

Description: Failed to provide flow-measuring devices, located to facilitate daily reading, for each well to measure production yields and provide for the accumulation of water production data. Specifically, the new east and west public drinking water wells at Love's Country Store 700 did not have readable well meters.

Classification: Moderate

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

Description: Failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent. Specifically, there was no fan in the upper vent to provide forced air ventilation at the Love's Country Store 700 chlorinator room, and the upper vent lacked louvers at the County Yard chlorinator room.

Classification: Minor

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

Description: Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing for chlorine leakage readily available outside the chlorinator room and immediately available to the operator in the event of an emergency. Specifically, the bottles of fresh ammonia solution were inside the Love's Country Store 700, County Yard, Main Street/Well No. 6, and City Hill chlorinator rooms.

Classification: Minor

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

Description: Failed to cover the overflow's discharge opening with a gravity-hinged and weighted cover, an elastomeric duckbill valve, or other approved device to prevent the entrance of insects and other nuisances, which closes automatically and fits tightly with no gap over 1/16 inch. Specifically, the Love's Country Store 700 ground storage tank ("GST") had a screen inside the overflow pipe and more than 1/16 inch gap between the end of the overflow pipe and its cover.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failed to provide all clearwells and water storage tanks with a liquid level indicator located at the tank site. Specifically, the cable for the target-type indicator on the Main Street GST was broken.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)(4)

Description: Failed to provide accurate metering devices at each residential, commercial, or industrial service connection for the accumulation of water usage data. Specifically, there was no meter for the connection from the City of Sonora to the Love's Country Store 700 fire hydrant and other plumbing on the customer's side of the fence.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, a pipe connected to the chlorinator was leaking at the County Yard.

Classification: Moderate

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

Description: Failed to maintain accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank at the public water system until the Facility is decommissioned. Specifically, the as-built drawings for the new tank, pressure tank, pumps, and disinfection facilities at Love's Country Store 700 were not maintained.

Classification: Minor

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

Description: Failed to post a legible sign at the Facility's production, treatment, and storage facilities in plain view of the public and which provides the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, there was no ownership sign at the Love's Country Store 700 facilities.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failed to develop and maintain an 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	August 02, 2018	(1505176)
Item 2	February 08, 2019	(1545065)

## **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: 11/24/2020 (1679597)	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)	
	Description: Failure to maintain waterlines in a watertight condition.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)	
	Description: Failure to record the amount of chlorine gas used on a daily basis.	
	Self Report? NO	Classification: Minor
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)	
	Description: Failure to perform all annual storage tank inspections.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)(1)(A)	
	Description: Failure to notify the TCEQ prior to making a significant change to the system.	
	Self Report? NO	Classification: Moderate
	Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)	
	30 TAC Chapter 290, SubChapter D 290.44(h)(4)	
	Description: Failure to ensure backflow prevention assemblies installed for isolation of health hazards are certified and tested on an annual basis.	

**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

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF SONORA  
RN101384261**

**§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2021-0906-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 Sonora (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 they have 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 201 East Main Street in Sonora, Sutton County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,871 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 an investigation conducted on May 27, 2021, an investigator documented that:
  - a. The Respondent disconnected two, 10-gallon-per-minute ("gpm") booster pumps and one, 52-gallon pressure tank at the City Hill maintenance building, disconnected two, 500-gpm booster pumps at the Thompson Hill station, removed one, 510-gpm booster pump at the City Hill basement pressure facility, and replaced two, 246-gpm booster pumps with two, 7.5-horsepower variable frequency booster pumps at the Marigold Hillside station without approval.
  - b. Backflow prevention assemblies ("BPAs") located at the following locations had not been tested on an annual basis (last test date): Love Funeral Home



(7/13/2011), Love's Travel Stop (12/7/2018), Sonora City Pool (2/27/2018), and Sonora Dentistry (never tested).

- c. The upper vent lacked louvers at the County Yard chlorinator room.

## **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 notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351.
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(C) and TCEQ Agreed Order Docket No. 2019-0417-PWS-E, Ordering Provision No. 2.a.i.
5. 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.
6. An administrative penalty in the amount of \$11,475 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Pursuant to TEX. WATER CODE § 7.067, \$11,475 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A" - incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

### **III. ORDERING PROVISIONS**

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 6 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 Sonora, Docket No. 2021-0906-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 implement and complete the SEP as set forth in Section II, Conclusion of Law No. 6. The amount of \$11,475 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.
3. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, update the Facility's operational guidance and conduct employee training to ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
  - c. Within 60 days after the effective date of this Order:
    - i. Ensure that all BPAs are tested upon installation and on an annual basis by a recognized backflow assembly tester and certify that they are operating within specifications, including but not limited to the BPAs located at Love Funeral Home, Love's Travel Stop, Sonora City Pool, and Sonora Dentistry, in accordance with 30 TEX. ADMIN. CODE § 290.44; and

- ii. Provide forced air ventilation, which includes both high level and floor level screened and louvered vents, a fan which is located at and draws air in through the top vent and discharges to the outside atmosphere through the floor level vent at the County Yard chlorinator room, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.
- e. Within 180 days after the effective date of this Order, submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the changes made at the City Hill maintenance building, the Thompson Hill station, the City Hill basement pressure facility, and the Marigold Hillside station, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- f. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e.
- g. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- h. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.g. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals

immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

Enforcement Division, MC 149A  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

with a copy to:

Water Section Manager  
San Angelo Regional Office  
Texas Commission on Environmental Quality  
622 South Oakes, Suite K  
San Angelo, Texas 76903-7035

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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 Enforcement Division at the address listed above.
7. 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.
8. 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.
9. 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.

10. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

For the Executive Director

Date

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

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

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

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

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of  
City of Sonora

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.

**Attachment A**

**Docket Number: 2021-0906-PWS-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Sonora
<b>Penalty Amount:</b>	\$11,475
<b>SEP Offset Amount:</b>	\$11,475
<b>Type of SEP:</b>	Compliance
<b>Project Name:</b>	<i>PWS Pump Replacement</i>
<b>Location of SEP:</b>	Sutton County

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

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

**1. Project Description**

*A. Project*

Respondent shall hire a contractor to purchase and replace the submersible pump at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the replacement pump (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement or invitation for bids, including publication, related to the SEP must include the enforcement statement as stated below in Section 6, Publicity. The SEP will be performed in accordance with all federal, state, and local environmental laws and regulations, including permits that may be required prior to commencement of the SEP. The Commission’s approval and issuance of this Agreed Order shall not itself be construed to authorize any activity for which Respondent is required by statute or rule to obtain authorization from the Commission.

Respondent shall use the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Minimum Expenditure, Estimated Cost Schedule. No portion of the SEP Offset Amount shall be spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

Respondent’s signature affixed to the attached Agreed Order certifies that Respondent has no prior commitment to perform this Project and that the SEP is being performed solely as part of the terms of settlement in this enforcement action.

*B. Environmental Benefit*

This SEP will ensure proper installation and operation of equipment that are crucial in ensuring the delivery of safe water. Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis to life-threatening ailments

such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis. Safe water is also necessary in the home for bathing, flushing toilets, washing hands, and cooking.

*C. Minimum Expenditure*

Respondent shall spend at least the SEP Offset Amount to complete the project described above in Section 1.A and comply with all other provisions of this SEP. Respondent understands that it may cost more than the SEP Offset Amount to complete the Project. Costs in excess of the SEP Offset Amount shall not be grounds to relieve Respondent of its obligations to perform this SEP.

**Estimated Cost Schedule**

<b>Item</b>	<b>Total</b>
HOMA Submersible Pump and Installation	\$12,468.35
<b>Total</b>	<b>\$12,468.35</b>

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 285 days after the effective date of this Agreed Order.

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

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

**3. Records and Reporting**

*A. Progress Report*

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 90 days after the effective date of this Agreed Order, Respondent shall submit a report detailing the progress made and all actions completed on the Project during the previous 60-day period and setting forth a schedule for achieving completion of the Project within the 285-day timeframe set forth above in Section 2, Performance Schedule. Thereafter, Respondent shall submit progress reports to TCEQ in 90-day increments containing detailed information on all actions completed on the Project to date as set forth below in the Reporting Schedule table:



### Reporting Schedule

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

#### *B. Final Report*

Within 285 days after the effective date of the Agreed Order, or within 30 days after completion of the SEP, whichever is earlier, Respondent shall submit a Final Report to TCEQ, which shall include the following:

1. An itemized list of expenditures and total cost of the Project;
2. Copies of invoices or receipts corresponding to the itemized list in paragraph 3.B.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 3.B.1., above;
4. Copies of proof of advertisement of invitation for bids, if applicable;
5. A certified statement of SEP completion and document authentication;
6. A detailed map showing the specific location of the project site(s);
7. Copies of all engineering plans related to work performed pursuant to the Project, if applicable;
8. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
9. Any additional information Respondent believes will, or that is requested by TCEQ to demonstrate compliance with this Attachment A.

#### *C. Submittals*

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

#### **4. Additional Information and Access**

Respondent shall provide additional information as requested by TCEQ staff and shall allow access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

#### **5. Failure to Fully Perform**

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described above in Sections 2 through 4, the ED may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

In the event the ED determines that Respondent failed to fully implement and complete the Project, Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to the SEP Coordinator at the address provided above.

**6. Publicity**

Any public statements concerning this Project made by or on behalf of Respondent must include a clear statement that **the Project was performed as part of the settlement of an enforcement action brought by TCEQ**. Such statements include advertising, public relations, and press releases.

**7. Recognition**

Respondent may not seek recognition for this project in any other state or federal regulatory program.

**8. Other SEPs by TCEQ or Other Agencies**

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for Respondent under any other Agreed Order negotiated with TCEQ or any other agency of the state or federal government.