

Executive Summary – Enforcement Matter – Case No. 61538

City of Laredo

RN100524099

Docket No. 2021-1455-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Laredo PWS, 2519 Jefferson Street, Laredo, Webb 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: July 14, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$69,980

Amount Deferred for Expedited Settlement: \$13,996

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$55,984

Name of SEP: JSWTP and Distribution System Chlorine Feed and Monitoring Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): July 3, 2021 and July 22, 2021

Complaint Information: Alleged that water inside a building was discolored, had bad odors, and was unsuitable for drinking.

Date(s) of Investigation: June 21, 2021 through July 26, 2021

Date(s) of NOE(s): November 2, 2021

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Violation Information

1. Failed to check the calibration of the Facility's on-line turbidimeters with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week. Specifically, the calibration of the 11 on-line turbidimeters at the El Pico Surface Water Treatment Plant ("SWTP") and the 13 on-line turbidimeters at the Jefferson SWTP were not being checked once each week [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv)].

2. Failed to verify the accuracy of the Facility's continuous disinfectant analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method. Specifically, the analyzer at both the El Pico SWTP and Jefferson SWTP were not being verified [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].

3. Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, the Highway 359 pressure plane had 2,736 connections requiring a service pump capacity of 5,472 gpm. However, only 2,100 gpm of service pump capacity was provided, indicating a 62% deficiency. Additionally, the 627' Elevation pressure plane had 49,019 connections requiring a service pump capacity of 98,038 gpm. However, only 62,000 gpm of service pump capacity was provided, indicating a 37% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

4. Failed to ensure turbidity equipment and all associated recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement. Specifically, the 11 on-line turbidimeters at the El Pico SWTP and 13 on-line turbidimeters at the Jefferson SWTP could not read and record levels at least 10% higher than the turbidity level needed to determine compliance [30 TEX. ADMIN. CODE § 290.111(e)(5)(E)(i)].

5. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, at the Jefferson SWTP, the following issues were noted: the operators were using the wrong flow for the disinfection process data; the chlorine level reported on February 18, 2021, for Disinfection Zone D3B did not match the operator log; the reported minimum daily entry point chlorine levels did not match the online data recorded values on May 16 and 19, 2021; and the minimum daily entry point chlorine levels were being reported from hourly readings collected by the operators instead of reporting values recorded by the continuous monitoring chlorine analyzer. Additionally, at the El Pico SWTP, the following issues were noted: the software for the online individual filter effluent ("IFE") turbidity data recording was offline from September 10, 2020, through September 23,

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2020, but data for this period was reported on the SWMOR; no grab sample logs for this period were available, and operators could not explain from where the reported data came; the online IFE turbidity analyzers recorded values exceeding the maximum value of 0.5 nephelometric turbidity units ("NTU") for a filter returned to service after backwash or shutdown but all IFE values reported on the December 2020 SMWOR were below 0.3 NTU; no filter backwash or filter-to-waste was recorded on the operator log during the times of the high IFE turbidity readings; and no grab sample logs were available, and operators could not explain from where the reported data came [30 TEX. ADMIN. CODE § 290.111(h)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented a corrective measure at the Facility by ensuring that the 11 on-line turbidimeters at the El Pico SWTP and 13 on-line turbidimeters at the Jefferson SWTP could read and record levels at least 10% higher than the turbidity level needed to determine compliance by June 30, 2021.

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:
 - i. Check the calibration of the 11 on-line turbidimeters at the El Pico SWTP and the 13 on-line turbidimeters at the Jefferson SWTP with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week;
 - ii. Verify the accuracy of the continuous disinfectant analyzer at both the El Pico SWTP and Jefferson SWTP with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of properly completed signed and certified SWMORs.
 - b. Within 45 days, submit written certification to demonstrate compliance with a.

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Docket No. 2021-1455-PWS-E

c. Within 180 days, provide a service pump capacity that provides each pressure plane with two or more pumps that have a total capacity of at least 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service in the Highway 359 pressure plane and the 627' Elevation pressure plane.

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

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ryan Byer, Enforcement Division, Enforcement Team Drinking Water Section, MC 219, (512) 239-2571; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Arturo Garcia Jr., P.E., Utilities Director, City of Laredo, 5816 Daugherty Avenue, Laredo, Texas 78041

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	8-Nov-2021			
	PCW	9-Nov-2021	Screening	8-Nov-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Laredo				
Reg. Ent. Ref. No.	RN100524099				
Facility/Site Region	16-Laredo	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	61538	No. of Violations	6		
Docket No.	2021-1455-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Ryan Byer		
		EC's Team	Enforcement Team 8		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$46,550
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	60.0%	Adjustment	Subtotals 2, 3, & 7	\$27,930
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Notes	Enhancement for three agreed orders containing a denial of liability.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$4,500
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,501	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,765	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$69,980
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$69,980
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$69,980
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DEFERRAL	20.0%	Reduction	Adjustment	-\$13,996
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$55,984
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Screening Date 8-Nov-2021

Docket No. 2021-1455-PWS-E

PCW

Respondent City of Laredo

Policy Revision 5 (January 28, 2021)

Case ID No. 61538

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN100524099

Media Public Water Supply

Enf. Coordinator Ryan Byer

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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	3	60%
	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) 60%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three agreed orders containing 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 8-Nov-2021	Docket No. 2021-1455-PWS-E	PCW
Respondent City of Laredo		<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No. 61538		<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No. RN100524099		
Media Public Water Supply		
Enf. Coordinator Ryan Byer		

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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

Notes

Violation Subtotal

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$240	21-Jun-2021	21-Nov-2022	1.42	\$17	n/a	\$17

Notes for DELAYED costs

The delayed cost includes the estimated amount to check the calibration of the 24 on-line turbidimeters (\$10 per meter x 24 turbidimeters) with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, calculated from the date of the investigation 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)	\$240	21-Jun-2021	8-Nov-2021	0.38	\$5	\$240	\$245

Notes for AVOIDED costs

The avoided cost includes the estimated amount to check the calibration of the 24 on-line turbidimeters (\$10 per meter x 24 turbidimeters) with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$480

TOTAL

\$262

Screening Date 8-Nov-2021 **Docket No.** 2021-1455-PWS-E **PCW**
Respondent City of Laredo *Policy Revision 5 (January 28, 2021)*
Case ID No. 61538 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(ii)
Violation Description Failed to verify the accuracy of the Facility's continuous disinfectant analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method. Specifically, the analyzer at both the El Pico SWTP and Jefferson SWTP were not being verified.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Failure to verify the accuracy of the Facility's continuous disinfectant analyzer could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility 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 2 141 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Two single events are recommended, one for each analyzer.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$2,400

This violation Final Assessed Penalty (adjusted for limits) \$2,400

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$10	21-Jun-2021	21-Oct-2022	1.33	\$1	n/a	\$1

Notes for DELAYED costs
 The delayed cost includes the estimated amount to verify the accuracy of the continuous disinfectant analyzer (\$5 per analyzer x two analyzers) at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop method, calculated from the date of the investigation 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)	\$10	21-Jun-2021	8-Nov-2021	0.38	\$0	\$10	\$10

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to verify the accuracy of the continuous disinfectant analyzer (\$5 per analyzer x two analyzers) at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the result of an approved benchtop method, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$20

TOTAL \$11

Screening Date	8-Nov-2021	Docket No.	2021-1455-PWS-E	PCW	
Respondent	City of Laredo				Policy Revision 5 (January 28, 2021)
Case ID No.	61538				PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN100524099				
Media	Public Water Supply				
Enf. Coordinator	Ryan Byer				
Violation Number	3				
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(2)(F) and Tex. Health & Safety Code § 341.0315(c)				
Violation Description	Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, the Highway 359 pressure plane had 2,736 connections requiring a service pump capacity of 5,472 gpm. However, only 2,100 gpm of service pump capacity was provided, indicating a 62% deficiency.				
		Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 30.0%
>> Programmatic Matrix					
		Major	Moderate	Minor	
	Falsification				Percent 0.0%
Matrix Notes	Failure to provide adequate service pump capacity could expose persons served by the Facility to a significant amount of contaminants that would exceed levels protective of human health.				
		Adjustment	\$3,500		
			\$1,500		
Violation Events					
	Number of Violation Events	5	151	Number of violation days	
	daily				
	weekly				
	monthly	x			
	quarterly				
	semiannual				
	annual				
	single event				
				Violation Base Penalty	\$7,500
	Five monthly events are recommended, calculated from the date of the investigation, June 21, 2021, to the date of screening, November 8, 2021.				
Good Faith Efforts to Comply					
		0.0%		Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.				
				Violation Subtotal	\$7,500
Economic Benefit (EB) for this violation					
	Estimated EB Amount	\$609		Violation Final Penalty Total	\$12,000
		This violation Final Assessed Penalty (adjusted for limits)			
		\$12,000			

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	21-Jun-2021	18-Mar-2023	1.74	\$29	\$580	\$609
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 a service pump capacity of at least 2.0 gpm per connection in the Highway 359 pressure plane, calculated from the date of the investigation 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

\$5,000

TOTAL

\$609

Screening Date 8-Nov-2021 **Docket No.** 2021-1455-PWS-E **PCW**
Respondent City of Laredo *Policy Revision 5 (January 28, 2021)*
Case ID No. 61538 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(2)(F) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, the 627' Elevation pressure plane had 49,019 connections requiring a service pump capacity of 98,038 gpm. However, only 62,000 gpm of service pump capacity was provided, indicating a 37% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Failure to provide adequate service pump capacity could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 2 151 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$1,500

Two quarterly events are recommended, calculated from the date of the investigation, June 21, 2021, to the date of screening, November 8, 2021.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$609 **Violation Final Penalty Total** \$2,400

This violation Final Assessed Penalty (adjusted for limits) \$2,400

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	21-Jun-2021	18-Mar-2023	1.74	\$29	\$580	\$609
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 a service pump capacity of at least 2.0 gpm per connection in 627' Elevation pressure plane, calculated from the date of the investigation 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

\$5,000

TOTAL

\$609

Screening Date 8-Nov-2021 **Docket No.** 2021-1455-PWS-E **PCW**
Respondent City of Laredo *Policy Revision 5 (January 28, 2021)*
Case ID No. 61538 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(5)(E)(i)
Violation Description Failed to ensure turbidity equipment and all associated recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement. Specifically, the 11 on-line turbidimeters at the El Pico SWTP and 13 on-line turbidimeters at the Jefferson SWTP could not read and record levels at least 10% higher than the turbidity level needed to determine compliance.
Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix
OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential		x		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0.0%

Matrix Notes Failure to ensure turbidity equipment and all associated recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility 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 24 9 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$18,000
 Twenty-four single events are recommended, one for each device.

Good Faith Efforts to Comply 25.0% Reduction \$4,500
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	x
N/A	

Notes The Respondent achieved compliance on June 30, 2021.
Violation Subtotal \$13,500

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$0 **Violation Final Penalty Total** \$24,300
This violation Final Assessed Penalty (adjusted for limits) \$24,300

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$120	21-Jun-2021	30-Jun-2021	0.02	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure turbidity equipment and all associated recording devices (\$5 per device x 24 devices) read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement, calculated from the date of the investigation to the 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	\$120	TOTAL	\$0
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Screening Date 8-Nov-2021 **Docket No.** 2021-1455-PWS-E **PCW**
Respondent City of Laredo *Policy Revision 5 (January 28, 2021)*
Case ID No. 61538 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.111(h)
Violation Description
 Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, at the Jefferson SWTP, the following issues were noted: the operators were using the wrong flow for the disinfection process data; the chlorine level reported on February 18, 2021, for Disinfection Zone D3B did not match the operator log; the reported minimum daily entry point chlorine levels did not match the online data recorded values on May 16 and 19, 2021; and the minimum daily entry point chlorine levels were being reported from hourly readings collected by the operators instead of reporting values recorded by the continuous monitoring chlorine analyzer. Additionally, at the El Pico SWTP, the following issues were noted: the software for the online individual filter effluent ("IFE") turbidity data recording was offline from September 10, 2020, through September 23, 2020, but data for this period was reported on the SWMOR; no grab sample logs for this period were available, and operators could not explain from where the reported data came; the online IFE turbidity analyzers recorded values exceeding the maximum value of 0.5 nephelometric turbidity units ("NTU") for a filter returned to service after backwash or shutdown but all IFE values reported on the December 2020 SMWOR were below 0.3 NTU; no filter backwash or filter-to-waste was recorded on the operator log during the times of the high IFE turbidity readings; and no grab sample logs were available, and operators could not explain from where the reported data came.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release Actual Potential	Harm			Percent
		Major	Moderate	Minor	
					0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
				x	1.0%

Matrix Notes Less than 30% of the rule requirements were not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 141 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$10 **Violation Final Penalty Total** \$80

This violation Final Assessed Penalty (adjusted for limits) \$80

Economic Benefit Worksheet

Respondent City of Laredo
Case ID No. 61538
Reg. Ent. Reference No. RN100524099
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	21-Jun-2021	21-Oct-2022	1.33	\$3	n/a	\$3
Training/Sampling	\$100	21-Jun-2021	21-Oct-2022	1.33	\$7	n/a	\$7
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 SWMORs are properly completed, calculated from the date of the investigation 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

\$145

TOTAL

\$10



Compliance History Report

Compliance History Report for CN600131908, RN100524099, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600131908, City of Laredo	Classification:	SATISFACTORY	Rating:	0.90
Regulated Entity:	RN100524099, CITY OF LAREDO	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	2519 JEFFERSON STREET IN LAREDO, WEBB COUNTY, TEXAS				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400001 WATER LICENSING LICENSE 2400001				

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	February 24, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 24, 2017 to February 24, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer			Phone:	(512) 239-2571

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: 03/27/2018 ADMINORDER 2017-0204-PWS-E (1660 Order-Agreed Order With Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)
 - Description: Failed to prevent cross-connection or interconnection in a filtration plant between a conduit carrying filtered or post-chlorinated water and another conduit carrying raw water or water in any prior stage of treatment
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failed to maintain a minimum disinfectant residual of 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
 - Description: Failed to create a nitrification action plan for a system distributing chloraminated water.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
 - Description: Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
 - Description: Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled (includes quarterly nitrite and nitrate monitoring).
 - Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)

Description: Failed to conduct chloramine effectiveness sampling to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled (includes weekly monochloramine and free ammonia monitoring in the distribution system).

2 Effective Date: 07/07/2021 ADMINORDER 2019-1661-PWS-E (1660 Order-Agreed Order With Denial)

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 Lyons South Ground Storage Tank was in poor condition and was leaking in several areas on the wall of the tank.

Classification: Major

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

Description: Failure to issue a boil water notice to customers of the Facility within 24 hours of a low disinfectant residual using the prescribed format as specified in 30 TEX. ADMIN. CODE § 290.47(c). Specifically, a low disinfectant residual was documented on September 19, 2019. The Executive Director required the Respondent to issue a boil water notice by September 21, 2019, however the notice was not issued until September 28, 2019.

3 Effective Date: 11/02/2021 ADMINORDER 2021-0293-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.110(b)(4)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to maintain a disinfectant residual of at least 0.5 milligram per liter ("mg/L") of total chlorine throughout the distribution system and in each finished water storage tank at all times. Specifically, between June 26, 2020 through December 8, 2020, multiple instances of disinfectant residuals below 0.5 mg/L were documented in the distribution system and finished water storage tanks.

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not notify the Executive Director prior to the installation of one raw water pump rated at 15 MGD and three manually operated diesel powered pumps rated at 4 MGD each at the El Pico water plant, resulting in raw water production capacity being reduced from 45 MGD to 27 MGD.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)

5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, the Facility had 17,115 connections in the El Pico pressure plane requiring a raw water pump capacity of 10,269 gpm. However, only 8,334 gpm with the largest pump out of service is provided, indicating a 19% deficiency.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 07, 2018	(1524983)
Item 8	February 14, 2020	(1630063)
Item 10	May 08, 2020	(1646123)
Item 13	August 27, 2020	(1664605)
Item 15	August 31, 2020	(1663532)
Item 17	November 05, 2020	(1685113)
Item 18	November 17, 2020	(1684109)
Item 19	November 19, 2020	(1685853)
Item 20	December 03, 2020	(1685283)
Item 23	March 01, 2021	(1702042)
Item 24	March 17, 2021	(1704750)
Item 28	November 05, 2021	(1764625)
Item 30	November 17, 2021	(1764289)
Item 31	November 19, 2021	(1771538)
Item 32	November 28, 2021	(1774524)

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.

N/A

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 LAREDO
RN100524099**

**§
§
§
§
§**

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1455-PWS-E**

I. JURISDICTION AND STIPULATIONS

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 Laredo (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 together stipulate that:

1. The Respondent owns and operates a public water supply located at 2519 Jefferson Street in Laredo, Webb County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 86,682 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$69,980 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$13,996 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$55,984 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.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
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 or conditions in this Order.
7. 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.
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. The Executive Director recognizes that the Respondent implemented a corrective measure at the Facility by ensuring that the 11 on-line turbidimeters at the El Pico Surface Water Treatment Plant ("SWTP") and 13 on-line turbidimeters at the Jefferson SWTP could read and record levels at least 10% higher than the turbidity level needed to determine compliance by June 30, 2021.

II. ALLEGATIONS

During an investigation conducted on June 21, 2021 through July 26, 2021, an investigator documented that the Respondent:

1. Failed to check the calibration of the Facility's on-line turbidimeters with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iv). Specifically, the calibration of the 11 on-line turbidimeters at the El Pico SWTP and the 13 on-line turbidimeters at the Jefferson SWTP were not being checked once each week.
2. Failed to verify the accuracy of the Facility's continuous disinfectant analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii). Specifically, the analyzer at both the El Pico SWTP and Jefferson SWTP were not being verified.

3. Failed to provide a service pump capacity that provides each pump station or pressure plane with two or more pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(F) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Highway 359 pressure plane had 2,736 connections requiring a service pump capacity of 5,472 gpm. However, only 2,100 gpm of service pump capacity was provided, indicating a 62% deficiency. Additionally, the 627' Elevation pressure plane had 49,019 connections requiring a service pump capacity of 98,038 gpm. However, only 62,000 gpm of service pump capacity was provided, indicating a 37% deficiency.
4. Failed to ensure turbidity equipment and all associated recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(E)(i). Specifically, the 11 on-line turbidimeters at the El Pico SWTP and 13 on-line turbidimeters at the Jefferson SWTP could not read and record levels at least 10% higher than the turbidity level needed to determine compliance.
5. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission, in violation of 30 TEX. ADMIN. CODE § 290.111(h). Specifically, at the Jefferson SWTP, the following issues were noted: the operators were using the wrong flow for the disinfection process data; the chlorine level reported on February 18, 2021, for Disinfection Zone D3B did not match the operator log; the reported minimum daily entry point chlorine levels did not match the online data recorded values on May 16 and 19, 2021; and the minimum daily entry point chlorine levels were being reported from hourly readings collected by the operators instead of reporting values recorded by the continuous monitoring chlorine analyzer. Additionally, at the El Pico SWTP, the following issues were noted: the software for the online individual filter effluent ("IFE") turbidity data recording was offline from September 10, 2020, through September 23, 2020, but data for this period was reported on the SWMOR; no grab sample logs for this period were available, and operators could not explain from where the reported data came; the online IFE turbidity analyzers recorded values exceeding the maximum value of 0.5 nephelometric turbidity units ("NTU") for a filter returned to service after backwash or shutdown but all IFE values reported on the December 2020 SMWOR were below 0.3 NTU; no filter backwash or filter-to-waste was recorded on the operator log during the times of the high IFE turbidity readings; and no grab sample logs were available, and operators could not explain from where the reported data came.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Laredo, Docket No. 2021-1455-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 I, Paragraph No. 4. The amount of \$55,984 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:
 - i. Check the calibration of the 11 on-line turbidimeters at the El Pico SWTP and the 13 on-line turbidimeters at the Jefferson SWTP with a primary standard, a secondary standard, or the manufacturer's proprietary calibration confirmation device or by comparing the results from the on-line unit with the results from a properly calibrated benchtop unit at least once every week, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Verify the accuracy of the continuous disinfectant analyzer at both the El Pico SWTP and Jefferson SWTP with a chlorine solution of known concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of properly completed signed and certified SWMORs, in accordance with 30 TEX. ADMIN. CODE § 290.111.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.iii.
 - c. Within 180 days after the effective date of this Order, provide a service pump capacity that provides each pressure plane with two or more pumps that have a

total capacity of at least 2.0 gpm per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service in the Highway 359 pressure plane and the 627' Elevation pressure plane, in accordance with 30 TEX. ADMIN. CODE § 290.45.

- d. Within 195 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.c. 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
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Suite 304
Laredo, Texas 78041-3887

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. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



7/7/2023

For the Executive Director

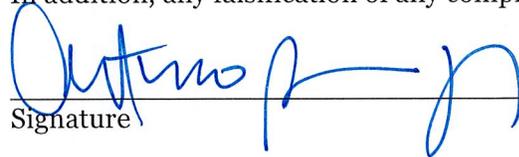
Date

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.



June 27, 2023

Signature

Date

Arturo Garcia, Jr., P.E.

Utilities Director

Name (Printed or typed)
Authorized Representative of
City of Laredo

Title

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

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

Attachment A

Docket Number: 2021-1455-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Laredo
Penalty Amount:	\$55,984
SEP Offset Amount:	\$55,984
Type of SEP:	Compliance
Project Name:	<i>JSWTP and Distribution System Chlorine Feed and Monitoring Improvements</i>
Location of SEP:	Webb County

The Texas Commission on Environmental Quality (“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”).

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 (“Facility”) which are described in this Agreed Order.

1. Project Description

A. Project

Respondent hired a contractor to purchase and install chlorination monitoring and distribution equipment to provide proper levels of chlorine residual concentrations throughout the distribution system at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the installation of monitoring and distribution equipment at the existing Facility by a qualified contractor (the “Project”). The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used 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. Expenses. No portion of the SEP Offset Amount was 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 had no prior commitment to perform this Project and that the SEP was performed solely as part of the terms of settlement in this enforcement action.

B. Environmental Benefit

This SEP will provide access to safe drinking water. Safe, reliable drinking water is necessary for human health and household sanitation. Untreated water may harbor bacteria, viruses, protozoa (parasitic organisms), helminthes (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. Expenses

Respondent spent at least the SEP Offset Amount to complete the project described in Section 1.A, above, and complied with all other provisions of this SEP. Respondent understood that it may have costs more than the SEP Offset Amount to complete the Project.

Expenses

Item	Cost	Quantity	Total
Preventative Maintenance Kits	\$1,245	4	\$4,980
Differential Control Assemblies	\$3,215	2	\$6,430
Vacuum Regulator PM Kits	\$689	3	\$2,067
Vacuum 3v Lower Assembly	\$6,824	1	\$6,824
Rotameter Assembly	\$3,421	1	\$3,421
PRV with Strainer	\$5,418	2	\$10,836
Chlorine Equipment Emergency Response	\$8,680	1	\$8,680
Glue and Primer	\$920	1	\$920
Installation of Chemtrac Analyzers	\$6,800	1	\$6,800
Installation of Automatic Flow Pace Controllers	\$3,400	1	\$3,400
Preventive Maintenance to Chlorine and Gas Analyzer Systems and Scales	\$22,896	1	\$22,896
Total			\$77,254

2. Records

As of June 5, 2023, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

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 2.1., above;
3. Copies of cleared checks or payment records corresponding to the itemized list in paragraph 2.1., above;
4. A certified statement of SEP completion and document authentication;
5. A detailed map showing the specific location of the project site(s); and
6. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project.

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) 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.

4. 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 in Sections 2 and 3 above, the Executive Director (“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 below:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. 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.

6. Recognition

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

7. 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.