

Executive Summary – Enforcement Matter – Case No. 61661

Zapata County

RN101218949

Docket No. 2021-1578-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Zapata County San Ygnacio and Ramireno, 224 Houston Street, San Ygnacio, Zapata County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0883-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: August 4, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,010

Amount Deferred for Expedited Settlement: \$1,802

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$7,208

Name of SEP: San Ygnacio Water System Improvements (Compliance)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): September 14, 2021 and September 20, 2021

Complaint Information: Alleged bad tap water odor.

Date(s) of Investigation: September 15, 2021 through October 27, 2021

Date(s) of NOE(s): November 30, 2021

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Violation Information

1. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on September 15, 2021, total chlorine residual concentrations of 0.13 mg/L, 0.14 mg/L, 0.11 mg/L, 0.11 mg/L, 0.18 mg/L, and 0.31 mg/L were measured at 103 Laurel Road, the flush valve at the end of Laurel Road, 4059 Highway 83, 106 Valle Verde Street, 506 Houston Street, and the entry point tap at the water plant, respectively. Additionally, on September 16, 2021, total chlorine residual concentrations of 0.03 mg/L and 0.00 mg/L were measured at the flush valve at the end of Laurel Road and 103 Laurel Road, respectively [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the electronic individual filter effluent ("IFE") turbidity readings from 2020 and 2021 did not match the values reported on the SWMORs; three to six combined filter effluent ("CFE") grab sample values were reported on the SWMORs, but only one value was recorded on the operator logs for 2020 and January through June and October through December of 2021; and the disinfection process parameters from the November 4, 2016 concentration-time ("CT") study approval letter were used on the SWMORs instead of the current parameters listed in the September 22, 2019 CT study approval letter [30 TEX. ADMIN. CODE § 290.111(h)].

3. Failed to properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public. Specifically, only one CFE turbidity grab sample reading was noted on the operator log for each day when the plant was online all day [30 TEX. ADMIN. CODE § 290.111(e)(3)(B)].

4. Failed to ensure that if the continuous turbidity monitoring equipment malfunctions, the system conducts grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment. Specifically, the continuous turbidity monitoring equipment system was offline and the system had been collecting grab samples for more than 14 working days in lieu of continuous monitoring [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii)].

5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, only one of two clarifiers and two of four filters were operational, and the automated sludge removal system was not working properly on the two clarifiers [30 TEX. ADMIN. CODE § 290.46(m)].

6. Failed to ensure when chlorine and ammonia are added to distribution water that has a chloramine residual, that the ammonia is added first. Specifically, the chlorine injection point on the line to the ground storage tank was located approximately 18

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inches upstream of the ammonia injection point [30 TEX. ADMIN. CODE § 290.42(e)(7)(A)(ii)].

7. Failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination [30 TEX. ADMIN. CODE § 290.46(s)(2)(D)].

8. 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 [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(ii)].

9. Failed to check the calibration of the Facility's five on-line turbidimeters with primary standards at least once every 90 days, and check the calibration 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 on-line turbidimeter on each of the four filters had not been calibrated since March 15, 2019, and the one on-line turbidimeter for CFE had not been calibrated since December 12, 2018 [30 TEX. ADMIN. CODE § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv)].

10. Failed to maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review. Specifically, maintenance logs of the 80-kilowatt generator at the plant were not available for review [30 TEX. ADMIN. CODE § 290.45(b)(2)(H) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

11. Failed to meet the conditions for an issued exception. Specifically, the Respondent was not monitoring the pressure at the inlet of the cartridge assembly and the pressure differential across the cartridge assembly and was not recording the pressure and differential at least once each day [30 TEX. ADMIN. CODE § 290.39(l)(5)].

12. Failed to collect and analyze weekly samples to ensure that chemical addition is effective and the proper chlorine to ammonia (as nitrogen) ratio is achieved or whenever the chemical dosage is changed. Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and samples were not collected and analyzed [30 TEX. ADMIN. CODE § 290.110(c)(5)(C)].

13. Failed to take three grab samples a day to monitor the disinfectant residual of the water at each entry point. Specifically, only one grab sample per day was being collected at the Facility's one entry point [30 TEX. ADMIN. CODE § 290.110(c)(1)(B)(i)].

14. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(I)].

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15. Failed to monitor the total chlorine residual downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is changed. Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and monitoring was not conducted downstream of the injection point [30 TEX. ADMIN. CODE § 290.110(c)(4)(E)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By submitting documentation that the chlorine injection point on the line to the ground storage tank is now downstream of the ammonia injection point by January 7, 2022;
- b. By verifying the accuracy of the analyzer used to determine the effectiveness of chloramination by February 22, 2022;
- c. By verifying 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 by February 22, 2022; and
- d. By checking the calibration of the Facility's five on-line turbidimeters with primary standards at least once every 90 days, and checking the calibration 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 by February 22, 2022.

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. Determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual concentration of at least 0.5 mg/L total chlorine throughout the distribution system;

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- ii. 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;
 - iii. Properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public;
 - iv. Return the automated continuous turbidity monitoring equipment to operation and cease conducting grab sampling every four hours in lieu of continuous monitoring;
 - v. Maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review;
 - vi. Begin complying with the site-specific requirements established by the Executive Director in a letter dated August 29, 2014, including but not limited to monitoring the pressure at the inlet of the cartridge assembly and recording the pressure at least once each day, and monitoring the pressure differential across the cartridge assembly and recording the differential at least once each day;
 - vii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that weekly samples are collected and analyzed whenever the chemical dosage is changed to ensure that the chemical addition is effective and the proper chlorine to ammonia ratio is achieved;
 - viii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that three grab samples per day are taken to monitor the disinfectant residual of the water at each entry point;
 - ix. Compile and maintain completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each day; and
 - x. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the total chlorine residual is monitored downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is changed.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
 - c. Within 60 days, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities, including repairing or replacing the one clarifier and two filters that were not operational, and the automated sludge removal system for the clarifiers that was not working properly.
 - d. Within 75 days, submit written certification to demonstrate compliance with c.

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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 Joe Rathmell, County Judge, Zapata County, 200 East 7th Avenue, Suite 115, Zapata, Texas 78076

Jose R. Trevino, Directory, Zapata County, 200 East 7th Avenue, Suite 115, Zapata, Texas 78076

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	6-Dec-2021	Screening	7-Dec-2021	EPA Due	
	PCW	7-Dec-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	Zapata County		
Reg. Ent. Ref. No.	RN101218949		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	61661	No. of Violations	15
Docket No.	2021-1578-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Salas
		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	\$9,200
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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	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes: No adjustment for Compliance History.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$190
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$5,963
Estimated Cost of Compliance: \$51,935
*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,010
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$9,010
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,010
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,802
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$7,208
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Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County			Policy Revision 5 (January 28, 2021)
Case ID No.	61661			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	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>)	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>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 0%

>> 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

No adjustment for Compliance History.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas	Docket No. 2021-1578-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)		
Violation Description	Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on September 15, 2021, total chlorine residual concentrations of 0.13 mg/L, 0.14 mg/L, 0.11 mg/L, 0.11 mg/L, 0.18 mg/L, and 0.31 mg/L were measured at 103 Laurel Road, the flush valve at the end of Laurel Road, 4059 Highway 83, 106 Valle Verde Street, 506 Houston Street, and the entry point tap at the water plant, respectively. Additionally, on September 16, 2021, total chlorine residual concentrations of 0.03 mg/L and 0.00 mg/L were measured at the flush valve at the end of Laurel Road and 103 Laurel Road, respectively.		
Base Penalty			\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
					Percent 0.0%
Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would exceed levels protective of human health.					
Adjustment					\$4,250

Adjustment					\$4,250
					\$750

Violation Events

Number of Violation Events	3	83	Number of violation days
	daily		
	weekly		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty			\$2,250
Three monthly events recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 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			\$2,250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$8	\$2,250
This violation Final Assessed Penalty (adjusted for limits)	
\$2,250	

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
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)	\$100	15-Sep-2021	19-Apr-2023	1.59	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system, 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

\$100

TOTAL

\$8

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas	Docket No. 2021-1578-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	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, the electronic individual filter effluent ("IFE") turbidity readings from 2020 and 2021 did not match the values reported on the SWMORs; three to six combined filter effluent ("CFE") grab sample values were reported on the SWMORs, but only one value was recorded on the operator logs for 2020 and January through June and October through December of 2021; and the disinfection process parameters from the November 4, 2016 concentration-time ("CT") study approval letter were used on the SWMORs instead of the current parameters listed in the September 22, 2019 CT study approval letter.		

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential				

	Percent	0.0%
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>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
				x	

Matrix Notes	Less than 30% of the rule requirements were not met.
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Adjustment	\$4,950
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	\$50
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Violation Events

Number of Violation Events	1	83	Number of violation days
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	daily						
	weekly						
	monthly						
	quarterly						
	semiannual						
	annual						
	single event		x				

	Violation Base Penalty	\$50
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One single event is recommended.	
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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.
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Violation Subtotal	\$50
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$12
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Statutory Limit Test

Violation Final Penalty Total	\$50
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This violation Final Assessed Penalty (adjusted for limits)	\$50
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Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
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	\$45	15-Sep-2021	19-Apr-2023	1.59	\$4	n/a	\$4
Training/Sampling	\$100	15-Sep-2021	19-Apr-2023	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 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

\$12

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas	Docket No. 2021-1578-PWS-E <div style="text-align: right;"> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i> </div>	PCW
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Violation Number	3	
Rule Cite(s)		30 Tex. Admin. Code § 290.111(e)(3)(B)
Violation Description	Failed to properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public. Specifically, only one CFE turbidity grab sample reading was noted on the operator log for each day when the plant was online all day.	

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						Percent 0.0%

Matrix Notes	Failure to measure and record the turbidity level of the CFE could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.
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Adjustment \$4,250
\$750

Violation Events

Number of Violation Events	3	83	Number of violation days
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daily						
weekly						
monthly	x					
quarterly						
semiannual						
annual						
single event						

Violation Base Penalty \$2,250

Three monthly events are recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 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.
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Violation Subtotal \$2,250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$40	Statutory Limit Test
		Violation Final Penalty Total \$2,250
		This violation Final Assessed Penalty (adjusted for limits) \$2,250

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	15-Sep-2021	19-Apr-2023	1.59	\$40	n/a	\$40

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin properly monitoring the turbidity level of the CFE every four hours while the plant is in operation, 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 \$500

TOTAL \$40

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas Violation Number 4 Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(5)(C)(iii)	Docket No. 2021-1578-PWS-E Violations	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description
 Failed to ensure that if the continuous turbidity monitoring equipment malfunctions, the system conducts grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment. Specifically, the continuous turbidity monitoring equipment system was offline and the system had been collecting grab samples for more than 14 working days in lieu of continuous monitoring.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>>Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Failure to continuously monitor the turbidity automatically could prevent operators from adequately monitoring the turbidity levels and result in persons served by the Facility being exposed to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	1	83	Number of violation days
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daily						
weekly						
monthly						
quarterly		x				
semiannual						
annual						
single event						

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 2021.

Good Faith Efforts to Comply

	0.0%		Reduction \$0
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,786	Statutory Limit Test	
		Violation Final Penalty Total	\$250
This violation Final Assessed Penalty (adjusted for limits)			\$250

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 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)	\$25,000	15-Sep-2021	19-Apr-2023	1.59	\$133	\$2,653	\$2,786
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 return the automated monitoring equipment to operation and cease conducting grab sampling every four hours in lieu of continuous monitoring, 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

\$25,000

TOTAL

\$2,786

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61661	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, only one of two clarifiers and two of four filters were operational, and the automated sludge removal system was not working properly on the two clarifiers.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the Facility to insignificant amounts of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,850
	\$150

Violation Events

Number of Violation Events	3	Number of violation days	83
----------------------------	---	--------------------------	----

	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty	\$450
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Three single events are recommended, one for each issue.	
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Good Faith Efforts to Comply

	0.0%		
	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		\$450	

Economic Benefit (EB) for this violation

Estimated EB Amount	\$2,924
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Statutory Limit Test

Violation Final Penalty Total	\$450
This violation Final Assessed Penalty (adjusted for limits)	\$450

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
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)	\$25,000	15-Sep-2021	18-May-2023	1.67	\$139	\$2,785	\$2,924
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 repair or replace the clarifiers, filters, and automated sludge removal system, 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

\$25,000

TOTAL

\$2,924

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61661	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(e)(7)(A)(ii)			
Violation Description	Failed to ensure when chlorine and ammonia are added to distribution water that has a chloramine residual, that the ammonia is added first. Specifically, the chlorine injection point on the line to the ground storage tank was located approximately 18 inches upstream of the ammonia injection point.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
Potential		x			

>> Programmatic Matrix

		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to add the ammonia to the distribution water before the chlorine could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,750
	\$250

Violation Events

Number of Violation Events	1	Number of violation days	83														
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</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		quarterly	x	semiannual		annual		single event			
daily																	
weekly																	
monthly																	
quarterly	x																
semiannual																	
annual																	
single event																	
		Violation Base Penalty	\$250														

One quarterly event is recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 2021.
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Good Faith Efforts to Comply

	10.0%		Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance on January 7, 2022.			
		Violation Subtotal	\$225	

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	\$11
Violation Final Penalty Total	\$225
This violation Final Assessed Penalty (adjusted for limits)	\$225

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 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)	\$500	15-Sep-2021	7-Jan-2022	0.31	\$1	\$10	\$11
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 ensure when chlorine and ammonia are added to distribution water that has a chloramine residual, that the ammonia is added first, 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

\$500

TOTAL

\$11

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61661	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(2)(D)			
Violation Description	Failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual					
	Potential			x		Percent 3.0%

>> Programmatic Matrix

Matrix Notes			Falsification			
	Major	Moderate	Minor			
					Percent 0.0%	

Failure to verify the accuracy of the analyzer used to determine the effectiveness of chloramination could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events	1	83	Number of violation days
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daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on February 22, 2022.	

Reduction \$15

Violation Subtotal \$135

Economic Benefit (EB) for this violation

Estimated EB Amount	Statutory Limit Test
\$0	

Violation Final Penalty Total \$135

This violation Final Assessed Penalty (adjusted for limits) \$135

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 7

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)	\$5	15-Sep-2021	22-Feb-2022	0.44	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly verify the accuracy of the analyzer used to determine the effectiveness of chloramination at least once every 90 days, 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

\$5

TOTAL

\$0

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	Policy Revision 5 (January 28, 2021)		
Case ID No.	61661	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	8			
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 know concentration or by comparing the results from the on-line analyzer with the results of an approved benchtop method.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Release	Harm		
		Major	Moderate	Minor	
	Actual				
	Potential		x		
					Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to verify the accuracy of the continuous disinfectant residual analyzer could cause inaccurate data collection and prevent detection of treatment problems and expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
					Adjustment \$4,750

Violation Events

Number of Violation Events	1	83	Number of violation days
daily			
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
One single event is recommended.			

Good Faith Efforts to Comply

	10.0%			
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance on February 22, 2022.			

Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Violation Final Penalty Total
		\$225
This violation Final Assessed Penalty (adjusted for limits)		\$225

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 8

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)	\$5	15-Sep-2021	22-Feb-2022	0.44	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to verify the accuracy of the continuous disinfectant analyzer at least once every seven days with a chlorine solution of known concentration or by comparing the results from an on-line analyzer with the results of an approved benchtop method, 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 \$5

TOTAL \$0

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas Violation Number 9 Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(B)(iii) and (s)(2)(B)(iv)	Docket No. 2021-1578-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description	Failed to check the calibration of the Facility's five on-line turbidimeters with primary standards at least once every 90 days, and check the calibration 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 on-line turbidimeter on each of the four filters had not been calibrated since March 15, 2019, and the one on-line turbidimeter for CFE had not been calibrated since December 12, 2018.
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Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to calibrate the on-line turbidimeters 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.
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Adjustment \$4,750

\$250

Violation Events

Number of Violation Events	5	83	Number of violation days
----------------------------	---	----	--------------------------

	daily				Violation Base Penalty \$1,250
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x			

Five single events are recommended, one for each turbidimeter.

Good Faith Efforts to Comply

	10.0%		Reduction \$125
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			

Notes	The Respondent achieved compliance on February 22, 2022.
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Violation Subtotal \$1,125

Economic Benefit (EB) for this violation

Estimated EB Amount \$1	Statutory Limit Test
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	Violation Final Penalty Total \$1,125
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This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Public Water Supply
Violation No. 9

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)	\$50	15-Sep-2021	22-Feb-2022	0.44	\$1	n/a	\$1

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the five on-line turbidimeters (\$10 per meter x five turbidimeters) with a primary standard at least once every 90 days, and check the calibration with a primary standard, 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 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 \$50

TOTAL \$1

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	Policy Revision 5 (January 28, 2021)		
Case ID No.	61661	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(2)(H) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review. Specifically, maintenance logs of the 80-kilowatt generator at the plant were not available for review.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual					Percent 0.0%
	Potential					

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
			x			Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.					
						Adjustment \$4,500

\$500

Violation Events

Number of Violation Events	1	83	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
Violation Base Penalty \$500			
One single event is recommended.			

Good Faith Efforts to Comply

		0.0%		Reduction \$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x			
Notes	The Respondent does not meet the good faith criteria for this violation.			
				Violation Subtotal \$500

Economic Benefit (EB) for this violation

Estimated EB Amount \$4	Statutory Limit Test
	Violation Final Penalty Total \$500
This violation Final Assessed Penalty (adjusted for limits) \$500	

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Public Water Supply
Violation No. 10

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	15-Sep-2021	19-Apr-2023	1.59	\$4	n/a	\$4
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 maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review, 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 \$45

TOTAL \$4

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	61661	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 290.39(l)(5)			
Violation Description	Failed to meet the conditions for an issued exception. Specifically, the Respondent was not monitoring the pressure at the inlet of the cartridge assembly and the pressure differential across the cartridge assembly and was not recording the pressure and differential at least once each day.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		Percent 5.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to meet the exception requirements could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,750
	\$250

Violation Events

Number of Violation Events	1	Number of violation days	83
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	daily				
	weekly				
	monthly				
	quarterly	x			
	semiannual				
	annual				
	single event				

Violation Base Penalty	\$250
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One quarterly event is recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 2021.	
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Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary			
N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.		

Violation Subtotal	\$250
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$8	Statutory Limit Test	
		Violation Final Penalty Total	\$250
		This violation Final Assessed Penalty (adjusted for limits)	\$250

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Public Water Supply
Violation No. 11

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	\$100	15-Sep-2021	19-Apr-2023	1.59	\$8	n/a	\$8
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the pressure at the inlet of the cartridge assembly is monitored and the pressure recorded at least once each day and the pressure differential across the cartridge assembly is monitored and the differential recorded at least once each day, 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

\$100

TOTAL

\$8

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	Policy Revision 5 (January 28, 2021)		
Case ID No.	61661	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	12			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(c)(5)(C)			
Violation Description	Failed to collect and analyze weekly samples to ensure that chemical addition is effective and the proper chlorine to ammonia (as nitrogen) ratio is achieved or whenever the chemical dosage is changed. Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and samples were not collected and analyzed.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 5.0%
	Potential		x		

>> Programmatic Matrix					
Matrix Notes		Falsification			
		Major	Moderate	Minor	
					Percent 0.0%
Failure to collect and analyze samples whenever the chemical dosage is changed to ensure that the chemical addition is effect and the proper chlorine to ammonia ratio is achieved could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					
		Adjustment	\$4,750		
		\$250			

Violation Events				
Number of Violation Events		2	83	Number of violation days
	daily			Violation Base Penalty \$500
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Two single events are recommended, one for each missed sample.				

Good Faith Efforts to Comply		0.0%	Reduction	\$0
		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$500	

Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	\$28	Violation Final Penalty Total	\$500
This violation Final Assessed Penalty (adjusted for limits)		\$500	

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 12

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	15-Sep-2021	19-Apr-2023	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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that samples are collected and analyzed whenever the chemical dosage is changed to ensure that the chemical addition is effective and the proper chlorine to ammonia ratio is achieved, 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	\$20	15-Sep-2021	7-Dec-2021	0.23	\$0	\$20	\$20
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to have collected and analyzed samples (\$10 per sample x two missed samples) whenever the chemical dosage is changed to ensure that the chemical addition is effective and the proper chlorine to ammonia ratio is achieved, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$120

TOTAL \$28

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas Violation Number 13 Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(1)(B)(i)	Docket No. 2021-1578-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description
 Failed to take three grab samples a day to monitor the disinfectant residual of the water at each entry point. Specifically, only one grab sample per day was being collected at the Facility's one entry point.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Harm Moderate	Minor	
Actual					Percent 5.0%
Potential			x		

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor	
				Percent 0.0%

Failure to take three grab samples a day to monitor the disinfectant residual of the water at each entry point could prevent the detection of treatment problems and expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

83

 Number of violation days

daily		
weekly		
monthly		
quarterly	x	
semiannual		
annual		
single event		

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the date of the investigation, September 15, 2021, to the date of screening, December 7, 2021.

Good Faith Efforts to Comply

0.0%
Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Reduction

\$0

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal

\$250

Economic Benefit (EB) for this violation

Estimated EB Amount

\$109

Statutory Limit Test
 Violation Final Penalty Total

\$250

This violation Final Assessed Penalty (adjusted for limits)

\$250

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 13

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	15-Sep-2021	19-Apr-2023	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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that three grab samples a day are taken to monitor the disinfectant residual of the water at each entry point, 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	\$100	15-Sep-2021	7-Dec-2021	0.23	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to take three grab samples a day to monitor the disinfectant residual of the water at each entry point, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$200

TOTAL \$109

Screening Date	7-Dec-2021	Docket No.	2021-1578-PWS-E	PCW
Respondent	Zapata County	Policy Revision 5 (January 28, 2021)		
Case ID No.	61661	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101218949			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	14			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(ii)(I)			
Violation Description	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of each chemical used each day were not maintained on-site for review.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
				x	Percent 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	83	Number of violation days
daily			Violation Base Penalty \$50
weekly			
monthly			
quarterly			
semiannual			
annual			
single event	x		
One single event is recommended.			

Good Faith Efforts to Comply

	0.0%		
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	Reduction \$0
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

Estimated EB Amount	Statutory Limit Test
\$4	Violation Final Penalty Total \$50
This violation Final Assessed Penalty (adjusted for limits) \$50	

Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Public Water Supply
Violation No. 14

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	\$45	15-Sep-2021	19-Apr-2023	1.59	\$4	n/a	\$4
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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, 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 \$45

TOTAL \$4

Screening Date 7-Dec-2021 Respondent Zapata County Case ID No. 61661 Reg. Ent. Reference No. RN101218949 Media Public Water Supply Enf. Coordinator Samantha Salas	Docket No. 2021-1578-PWS-E	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	15	Rule Cite(s)	30 Tex. Admin. Code § 290.110(c)(4)(E)
Violation Description	Failed to monitor the total chlorine residual downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is changed. Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and monitoring was not conducted downstream of the injection point.		

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		
					Percent 5.0%

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
					Percent 0.0%

Adjustment	\$4,750
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	\$250
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Violation Events

Number of Violation Events	2	83	Number of violation days
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	daily			Violation Base Penalty \$500
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		

Two single events are recommended, one for each missed sample.	
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Good Faith Efforts to Comply

0.0%		Reduction \$0
	Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal	\$500
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$28
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Statutory Limit Test

Violation Final Penalty Total	\$500
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This violation Final Assessed Penalty (adjusted for limits)	\$500
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Economic Benefit Worksheet

Respondent Zapata County
Case ID No. 61661
Reg. Ent. Reference No. RN101218949
Media Violation No. Public Water Supply
 15

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	15-Sep-2021	19-Apr-2023	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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that weekly samples are collected and analyzed whenever the chemical dosage is changed to ensure that the chemical addition is effective and the proper chlorine to ammonia ratio is achieved, 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	\$20	15-Sep-2021	7-Dec-2021	0.23	\$0	\$20	\$20
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to have monitored the total chlorine residual downstream of the injection point (\$10 per sample x two missed samples) whenever the chemical dosage is changed, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance \$120

TOTAL \$28



Compliance History Report

Compliance History Report for CN600334429, RN101218949, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600334429, Zapata County	Classification:	SATISFACTORY	Rating:	1.89
Regulated Entity:	RN101218949, ZAPATA COUNTY SAN YGNACIO AND RAMIRENO	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	224 HOUSTON STREET IN SAN YGNACIO, ZAPATA COUNTY, TEXAS				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2530003				

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	June 02, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	June 02, 2017 to June 02, 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:
N/A

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

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
ZAPATA COUNTY
RN101218949**

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

AGREED ORDER DOCKET NO. 2021-1578-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 Zapata County (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 224 Houston Street in San Ygnacio, Zapata County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 418 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 \$9,010 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$1,802 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, \$7,208 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 the following corrective measures at the Facility:
 - a. By submitting documentation that the chlorine injection point on the line to the ground storage tank is now downstream of the ammonia injection point by January 7, 2022.
 - b. By verifying the accuracy of the analyzer used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days by February 22, 2022.
 - c. By verifying 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 by February 22, 2022.
 - d. By checking the calibration of the Facility's five on-line turbidimeters with primary standards at least once every 90 days, and checking the calibration 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 by February 22, 2022.

II. ALLEGATIONS

During an investigation at the Facility conducted on September 15, 2021 through October 27, 2021, an investigator documented that the Respondent:

1. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, on September 15, 2021, total chlorine residual concentrations of 0.13 mg/L, 0.14 mg/L, 0.11 mg/L, 0.11 mg/L, 0.18 mg/L, and 0.31 mg/L were measured at 103 Laurel Road, the flush valve at the end of Laurel Road, 4059 Highway 83, 106 Valle Verde Street, 506 Houston Street, and the entry point tap at the water plant, respectively. Additionally, on September 16, 2021, total chlorine residual concentrations of 0.03 mg/L and 0.00 mg/L were measured at the flush valve at the end of Laurel Road and 103 Laurel Road, respectively.
2. 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, the electronic individual filter effluent ("IFE") turbidity readings from 2020 and 2021 did not match the values reported on the SWMORs; three to six combined filter effluent ("CFE") grab sample values were reported on the SWMORs, but only one value was recorded on the operator logs for 2020 and January through June and October through December of 2021; and the disinfection process parameters from the November 4, 2016 concentration-time ("CT") study approval letter were used on the SWMORs instead of the current parameters listed in the September 22, 2019 CT study approval letter.
3. Failed to properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(B). Specifically, only one CFE turbidity grab sample reading was noted on the operator log for each day when the plant was online all day.
4. Failed to ensure that if the continuous turbidity monitoring equipment malfunctions, the system conducts grab sampling every four hours in lieu of continuous monitoring, but for no more than 14 working days following the failure of the equipment, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii). Specifically, the continuous turbidity monitoring equipment system was offline and the system had been collecting grab samples for more than 14 working days in lieu of continuous monitoring.
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, only one of two clarifiers and two of four filters were operational, and the automated sludge removal system was not working properly on the two clarifiers.
6. Failed to ensure when chlorine and ammonia are added to distribution water that has a chloramine residual, that the ammonia is added first, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(7)(A)(ii). Specifically, the chlorine injection point on the line to the

ground storage tank was located approximately 18 inches upstream of the ammonia injection point.

7. Failed to verify the accuracy of the analyzer used to determine the effectiveness of chloramination in accordance with the manufacturer's recommendations every 90 days, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(D).
8. 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).
9. Failed to check the calibration of the Facility's five on-line turbidimeters with primary standards at least once every 90 days, and check the calibration 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)(iii) and (s)(2)(B)(iv). Specifically, the on-line turbidimeter on each of the four filters had not been calibrated since March 15, 2019, and the one on-line turbidimeter for CFE had not been calibrated since December 12, 2018.
10. Failed to maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(2)(H) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, maintenance logs of the 80-kilowatt generator at the plant were not available for review.
11. Failed to meet the conditions for an issued exception, in violation of 30 TEX. ADMIN. CODE § 290.39(l)(5). Specifically, the Respondent was not monitoring the pressure at the inlet of the cartridge assembly and the pressure differential across the cartridge assembly and was not recording the pressure and differential at least once each day.
12. Failed to collect and analyze weekly samples to ensure that chemical addition is effective and the proper chlorine to ammonia (as nitrogen) ratio is achieved or whenever the chemical dosage is changed, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5)(C). Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and samples were not collected and analyzed.
13. Failed to take three grab samples a day to monitor the disinfectant residual of the water at each entry point, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(1)(B)(i). Specifically, only one grab sample per day was being collected at the Facility's one entry point.
14. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(I). Specifically, records of the amount of each chemical used each day were not maintained on-site for review.
15. Failed to monitor the total chlorine residual downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is

changed, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(E). Specifically, the chemical dosage was changed on October 6, 2021, and again on October 27, 2021, and monitoring was not conducted downstream of the injection point.

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: Zapata County, Docket No. 2021-1578-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 \$7,208 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. Determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual concentration of at least 0.5 mg/L total chlorine throughout the distribution system, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110;
 - ii. 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;

- iii. Properly monitor the turbidity level of the CFE at least every four hours that the system serves water to the public, in accordance with 30 TEX. ADMIN. CODE § 290.111;
 - iv. Return the automated continuous turbidity monitoring equipment to operation and cease conducting grab sampling every four hours in lieu of continuous monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.111;
 - v. Maintain logs of all emergency power use and maintenance and keep on file for a period of not less than three years and make the logs available, upon request, for Executive Director review, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - vi. Begin complying with the site-specific requirements established by the Executive Director in a letter dated August 29, 2014, including but not limited to monitoring the pressure at the inlet of the cartridge assembly and recording the pressure at least once each day, and monitoring the pressure differential across the cartridge assembly and recording the differential at least once each day, in accordance with 30 TEX. ADMIN. CODE § 290.39;
 - vii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that weekly samples are collected and analyzed whenever the chemical dosage is changed to ensure that the chemical addition is effective and the proper chlorine to ammonia ratio is achieved, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - viii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that three grab samples per day are taken to monitor the disinfectant residual of the water at each entry point, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - ix. Compile and maintain completed water works operation and maintenance records, including but not limited to records of the amount of each chemical used each day, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - x. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that the total chlorine residual is monitored downstream of any chlorine and ammonia injection points in the distribution system weekly and whenever the chemical dose is changed, in accordance with 30 TEX. ADMIN. CODE § 290.110.
- 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.x.

- c. Within 60 days after the effective date of this Order, initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities, including repairing or replacing the one clarifier and two filters that were not operational, and the automated sludge removal system for the clarifiers that was not working properly, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 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


For the Executive Director

8/21/2023

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.

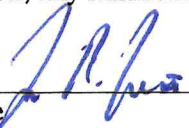
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- 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


Jose R. Trevino
Name (Printed or typed)
Authorized Representative of
Zapata County

Title

Director

☐ 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: 2021-1578-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Zapata County
Penalty Amount:	\$7,208
SEP Offset Amount:	\$7,208
Type of SEP:	Compliance
Project Name:	<i>San Ygnacio Water System Improvements</i>
Location of SEP:	Zapata 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”). 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 install a chemical injection pump system at the Facility. Specifically, the SEP Offset Amount shall be used for materials, supplies, and equipment for the installation of the chemical injection pump system in the existing standpipe by a contractor (the “Project”). Respondent shall solicit bids from qualified contractors to perform the Project. Any advertisement, 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 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. Minimum Expenditure

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

Estimated Cost Schedule

Item	Quantity	Cost	Total
Chemical Injection Pump	1	\$10,000	\$10,000
Total			\$10,000

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin implementation of the SEP. Respondent shall have completed the SEP in its entirety within 75 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 and electronic mail, at:

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

3. Records and Reporting

A. Progress Report

Within 30 days after the effective date of this Agreed Order, Respondent shall submit a Notice of Commencement to TCEQ describing actions performed to date to implement the Project. Within 75 days, Respondent shall submit a Final Report to the TCEQ containing detailed information on all actions completed on the project.

Reporting Schedule

Days from Effective Order Date	Information Required
30	Notice of Commencement describing actions taken to begin project
75	Notice of SEP completion

B. Final Report

Within 75 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. Equipment logs showing the hours the equipment was utilized on the project;
9. Dated photographs of the purchased materials and supplies; before and after work being performed during the Project; and of the completed Project; and
10. 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.