

Executive Summary – Enforcement Matter – Case No. 62052
Patton Springs Independent School District
RN101229169
Docket No. 2022-0270-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

People or environmental receptors have been exposed to pollutants which exceed levels that are protective.

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Patton Springs ISD, 1261 East Farm-to-Market Road 193, Afton, Dickens County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2024-0186-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 17, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,562

Amount Deferred for Expedited Settlement: \$6,850

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$1,712

Name of SEP: PWS Distribution Line Improvements (Compliance)

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: February 14, 2022 through February 25, 2022

Date(s) of NOE(s): February 25, 2022

Executive Summary – Enforcement Matter – Case No. 62052
Patton Springs Independent School District
RN101229169
Docket No. 2022-0270-PWS-E

Violation Information

1. Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate [30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].
2. Failed maintain a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system in more than 5.0% of the samples collected each month, for any two consecutive months [30 TEX. ADMIN. CODE § 290.110(b)(4) and (f)(6) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, maintain a disinfectant residual of 0.2 mg/L total chlorine throughout the distribution system so that fewer than 5.0% of the readings are below 0.2 mg/L during each month for one quarter. This provision will be satisfied upon one quarter of compliant monitoring and reporting at the Facility;
- b. Within 135 days, submit written certification to demonstrate compliance with a.;
- c. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the acute MCL for nitrate;
- d. Within 195 days, submit written certification to demonstrate compliance with c.;
- e. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate;
- f. Within 1,095 days, return to compliance with the acute MCL for nitrate; and
- g. Within 1,110 days, submit written certification to demonstrate compliance with f.

Executive Summary – Enforcement Matter – Case No. 62052
Patton Springs Independent School District
RN101229169
Docket No. 2022-0270-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Christiana McCrimmon, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2811; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

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

Respondent: Bryan White, Superintendent, Patton Springs Independent School District, P.O. Box 32, Afton, Texas 79220-0032

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Mar-2022			
	PCW	8-Mar-2022	Screening	7-Mar-2022	EPA Due 31-Mar-2022

RESPONDENT/FACILITY INFORMATION					
Respondent	Patton Springs Independent School District				
Reg. Ent. Ref. No.	RN101229169				
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	62052	No. of Violations	1		
Docket No.	2022-0270-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Christiana McCrimmon		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	37.0%	Adjustment	Subtotals 2, 3, & 7	\$1,850
---------------------------	-------	------------	--------------------------------	---------

Notes	Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed final order containing a denial of liability.
--------------	---

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	-------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.
--------------	--

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

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

Total EB Amounts	\$1,403
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,850
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$6,850
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,850
-----------------------------------	-------------------------------	---------

DEFERRAL	100.0%	Reduction	Adjustment	-\$6,850
-----------------	--------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

The Executive Director recommends a conditional deferral for naturally occurring constituents.

PAYABLE PENALTY	\$0
------------------------	-----

Screening Date

7-Mar-2022

Docket No.

2022-0270-PWS-E

PCW

Respondent

Patton Springs Independent School District

Case ID No.

62052

Reg. Ent. Reference No.

RN101229169

Media

Public Water Supply

Enf. Coordinator

Christiana McCrimmon

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet			
>> Compliance History Site Enhancement (Subtotal 2)			
Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)			37%
>> Repeat Violator (Subtotal 3)			
N/A			Adjustment Percentage (Subtotal 3) 0%
>> Compliance History Person Classification (Subtotal 7)			
N/A			Adjustment Percentage (Subtotal 7) 0%
>> Compliance History Summary			
Compliance History Notes	Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed final order containing a denial of liability.		
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			37%
>> Final Compliance History Adjustment			
Final Adjustment Percentage *capped at 100%			37%

Screening Date 7-Mar-2022		Docket No. 2022-0270-PWS-E		PCW	
Respondent Patton Springs Independent School District		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 62052		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101229169					
Media Public Water Supply					
Enf. Coordinator Christiana McCrimmon					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 290.106(f)(2) and Tex. Health & Safety Code § 341.031(a)			
Violation Description		Failed to comply with the acute maximum contaminant level ("MCL") of 10 milligrams per liter ("mg/L") for nitrate. Specifically, the single sample concentrations for nitrate were 17 mg/L at Entry Point No. 1 and 15 mg/L at Entry Point No. 2 for the fourth quarter of 2021.			
				Base Penalty	\$5,000
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual	x			
	Potential				Percent 50.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes		Exceeding the acute MCL for nitrate caused the persons served by the Facility to be exposed to contaminants which exceed levels protective of human health.			
				Adjustment	\$2,500
					\$2,500
>> Violation Events					
Number of Violation Events		2	92	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly	x		Violation Base Penalty \$5,000	
	semiannual				
	annual				
	single event				
Two quarterly events are recommended (one for each entry point).					
Good Faith Efforts to Comply		0.0%	Reduction		\$0
	Extraordinary		Before NOE/NOV NOE/NOV to EDP RP/Settlement Offer		
	Ordinary				
	N/A	x			
Notes		The Respondent does not meet the good faith criteria for this violation.			
				Violation Subtotal	\$5,000
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$1,403	Violation Final Penalty Total		\$6,850
This violation Final Assessed Penalty (adjusted for limits)				\$6,850	

Economic Benefit Worksheet

Respondent Case ID No. Patton Springs Independent School District
Reg. Ent. Reference No. 62052
Media RN101229169
Violation No. Public Water Supply
1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2021	2-Jan-2026	4.01	\$67	\$1,336	\$1,403
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 investigate, identify, and implement the necessary corrective actions to return to compliance with the acute MCL for nitrate, calculated from the last day of the monitoring period of noncompliance to the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$1,403
----------------------------	---------	-------	---------



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Mar-2022			
	PCW	8-Mar-2022	Screening	7-Mar-2022	EPA Due 31-Mar-2022

RESPONDENT/FACILITY INFORMATION

Respondent	Patton Springs Independent School District				
Reg. Ent. Ref. No.	RN101229169				
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	62052	No. of Violations	1
Docket No.	2022-0270-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Christiana McCrimmon
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	37.0%	Adjustment	Subtotals 2, 3, & 7	\$462
---------------------------	-------	-------------------	--------------------------------	-------

Notes	Enhancement for three NOV's with same/similar violations, one NOV with dissimilar violations, and one agreed final order containing a denial of liability.			
--------------	--	--	--	--

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
--------------------	----	------	--------------------	-------------------	-----

Notes	The Respondent does not meet the culpability criteria.				
--------------	--	--	--	--	--

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

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

Total EB Amounts	\$24	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,712
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,712
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0%	Reduction	Adjustment	\$0
-----------------	------	------------------	-------------------	-----

Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.				
--------------	---	--	--	--	--

PAYABLE PENALTY	\$1,712
------------------------	---------

Screening Date

7-Mar-2022

Docket No.

2022-0270-PWS-E

PCW

Respondent

Patton Springs Independent School District

Case ID No.

62052

Reg. Ent. Reference No.

RN101229169

Media

Public Water Supply

Enf. Coordinator

Christiana McCrimmon

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet			
>> Compliance History Site Enhancement (Subtotal 2)			
Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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)	37%
>> Repeat Violator (Subtotal 3)			
N/A		Adjustment Percentage (Subtotal 3)	0%
>> Compliance History Person Classification (Subtotal 7)			
N/A		Adjustment Percentage (Subtotal 7)	0%
>> Compliance History Summary			
Compliance History Notes	Enhancement for three NOVs with same/similar violations, one NOV with dissimilar violations, and one agreed final order containing a denial of liability.		
		Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)	37%
>> Final Compliance History Adjustment			
		Final Adjustment Percentage *capped at 100%	37%

Screening Date	7-Mar-2022	Docket No.	2022-0270-PWS-E	PCW
Respondent	Patton Springs Independent School District	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62052	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101229169			
Media	Public Water Supply			
Enf. Coordinator	Christiana McCrimmon			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.110(b)(4) and (f)(6) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") free chlorine throughout the distribution system in more than 5.0% of the samples collected each month, for any two consecutive months. Specifically, more than 5.0% of the disinfectant residual readings in the distribution system were below 0.2 mg/L free chlorine for the consecutive monthly periods of April and May 2021, May and June 2021, June and July 2021, July and August 2021, and August and September 2021.			
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
Matrix Notes	Failure to maintain proper levels of disinfection could result in delivery of a significant amount of contaminated water to persons served by the Facility which would not exceed levels protective of human health.			
Adjustment				\$4,750
				\$250
Violation Events				
Number of Violation Events		5	183	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
Violation Base Penalty				\$1,250
Five single events are recommended (one per consecutive monthly period).				
Good Faith Efforts to Comply		0.0%	Reduction	
			\$0	
	Extraordinary	Before NOE/NOV	NOE/NOV to EDP RP/Settlement Offer	
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$1,250
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$24	Violation Final Penalty Total	
			\$1,713	
This violation Final Assessed Penalty (adjusted for limits)				\$1,713

Economic Benefit Worksheet

Respondent Case ID No. Patton Springs Independent School District
Reg. Ent. Reference No. 62052
Media RN101229169
Violation No. Public Water Supply
1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$500	14-Feb-2022	3-Feb-2023	0.97	\$24	n/a	\$24
Notes for DELAYED costs	The delayed cost includes the estimated amount for additional oversight and maintenance to ensure that fewer than 5% of the readings are below the minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system (\$100 x five sets of consecutive months), calculated from the record review date to the estimated date of compliance.						

Avoided CostsANNUALIZE 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	\$24
----------------------------	-------	-------	------



Compliance History Report

Compliance History Report for CN600669204, RN101229169, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600669204, Patton Springs Isd

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN101229169, PATTON SPRINGS ISD

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 1261 EAST FARM-TO-MARKET 193 IN AFTON, DICKENS COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0630014

Compliance History Period: September 01, 2016 to August 31, 2021

Rating Year: 2021

Rating Date: 09/01/2021

Date Compliance History Report Prepared: July 14, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: July 14, 2017 to July 14, 2022

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

Name: Tayler McKenzie

Phone: (512) 239-2511

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 05/17/2022 ADMINORDER 2021-0292-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(1)
 Description: Failure to obtain written approval of plans and specifications prior to constructing a PWS.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
 Description: Failure to obtain well approval.
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(b)(1)
 30 TAC Chapter 290, SubChapter D 290.42(e)(3)
 Description: Failure to provide disinfection facilities.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- | | | |
|--------|-------------------|-----------|
| Item 1 | November 24, 2021 | (1774154) |
| Item 2 | January 28, 2022 | (1782389) |

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

- | | | | | | |
|---|--------------|---|-----------|-----------------|----------|
| 1 | Date: | 10/12/2021 | (1795695) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6) | | | |
| | Description: | Non-Acute TT Violation MAY/2021 and JUN/2021 -The system failed to maintain sufficient chlorine residual in more than five percent of the monthly disinfectant residual samples for two consecutive months. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6) | | | |
| | Description: | Non-Acute TT Violation APR/2021 and MAY/2021 -The system failed to maintain sufficient chlorine residual in more than five percent of the monthly disinfectant residual samples for two consecutive months. | | | |
| | | | | | |
| 2 | Date: | 12/06/2021 | (1795695) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.106(f)(2) | | | |
| | Description: | NO3 AMCL 4Q2021 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 15 mg/L collected on 12/02/2021. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.106(f)(2) | | | |
| | Description: | NO3 AMCL 4Q2021 - This system exceeded the MCL of 10 mg/L for nitrate (as nitrogen) with a sample result of 17 mg/L collected on 12/02/2021. | | | |
| | | | | | |
| 3 | Date: | 01/03/2022 | (1795695) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6) | | | |
| | Description: | Non-Acute TT Violation AUG/2021 and SEP/2021 -The system failed to maintain sufficient chlorine residual in more than five percent of the monthly disinfectant residual samples for two consecutive months. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6) | | | |
| | Description: | Non-Acute TT Violation JUL/2021 and AUG/2021 -The system failed to maintain sufficient chlorine residual in more than five percent of the monthly disinfectant residual samples for two consecutive months. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.110(b)(4)
30 TAC Chapter 290, SubChapter F 290.110(f)(6) | | | |
| | Description: | Non-Acute TT Violation JUN/2021 and JUL/2021 -The system failed to maintain sufficient chlorine residual in more than five percent of the monthly disinfectant residual samples for two consecutive months. | | | |
| | | | | | |
| | | | | | |
| 4 | Date: | 02/10/2022 | (1795695) | | |
| | Self Report? | NO | | Classification: | Moderate |

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)
30 TAC Chapter 290, SubChapter F 290.109(c)(2)
30 TAC Chapter 290, SubChapter F 290.109(c)(3)
30 TAC Chapter 290, SubChapter F 290.109(g)(14)
30 TAC Chapter 290, SubChapter F 290.109(g)(15)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
Description: RTCR CA Violation 11/19/2021 – 01/31/2022 – Failure to conduct and complete a corrective action(s) identified in a Level 1 Assessment and submit adequate documentation to TCEQ within the specified timeframe.

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
PATTON SPRINGS INDEPENDENT
SCHOOL DISTRICT
RN101229169

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

AGREED ORDER DOCKET NO. 2022-0270-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Patton Springs Independent School District (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that they have procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 1261 East Farm-to-Market 193 in Afton, Dickens County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 11 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(73).
2. During a record review for the Facility conducted on February 14, 2022 through February 25, 2022, an investigator documented that:

- a. The single sample concentrations for nitrate were 17 milligrams per liter ("mg/L") at Entry Point No. 1 and 15 mg/L at Entry Point No. 2 for the fourth quarter of 2021.
- b. More than 5.0% of the disinfectant residual readings in the distribution system were below 0.2 mg/L free chlorine for the consecutive monthly periods of April and May 2021, May and June 2021, June and July 2021, July and August 2021, and August and September 2021.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to comply with the acute maximum contaminant level ("MCL") of 10 mg/L for nitrate, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed maintain a minimum disinfectant residual of 0.2 mg/L free chlorine throughout the distribution system in more than 5.0% of the samples collected each month, for any two consecutive months, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and (f)(6) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$8,562 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Health & Safety Code § 341.049(b). Pursuant to TEX. WATER CODE § 7.067, \$1,712 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. The TCEQ has determined that Conclusion of Law No. 2 of this Order qualifies for 100% deferral. Therefore, the remaining amount of \$6,850 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 contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Patton Springs Independent School District, Docket No. 2022-0270-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 Facility shall implement and complete the SEP as set forth in Section II, Paragraph No. 5. The amount of \$1,712 of the assessed penalty is conditionally offset based on the Facility'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, maintain a disinfectant residual of 0.2 mg/L total chlorine throughout the distribution system so that fewer than 5.0% of the readings are below 0.2 mg/L during each month for one quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon one quarter of compliant monitoring and reporting at the Facility.
 - b. Within 135 days of the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g. below, and

include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.

- c. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this Order with the acute MCL for nitrate to the addresses listed in Ordering Provision No. 3.g. below.
- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.g. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 3.g. below. These reports shall include information regarding actions taken to provide water which meets the acute MCL for nitrate.
- f. Within 1,095 days after the effective date of this Order, return to compliance with the acute MCL for nitrate in accordance with 30 TEX. ADMIN. CODE § 290.106(f)(2).
- g. Within 1,110 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.f. 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:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.


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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/11/2024


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 OAG 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 OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

3-27-2024

Date

Bryan K. White

Name (Printed or typed)
Authorized Representative of
Patton Springs Independent School District

Interim Superintendent

Title

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

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

Attachment A

Docket Number: 2022-0270-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Patton Springs Independent School District
Penalty Amount:	\$1,712
SEP Offset Amount:	\$1,712
Type of SEP:	Compliance
Project Name:	<i>PWS Distribution Line Improvements</i>
Location of SEP:	Dickens County

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset the administrative Penalty Amount assessed in this Agreed Order in exchange for Respondent’s performance of a Supplemental Environmental Project (“SEP”).

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.

1. Project Description

A. Project

Respondent hired a contractor to disconnect the lines from two groundwater wells to the main water line at the Facility by capping the wells off and repurposing them for irrigation and livestock use only. Additionally, the existing main line was connected to a water meter, and reduced pressure zone valves were installed for backflow prevention. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for the disconnection of the two water wells from the drinking water distribution system and to repurpose the well water for irrigation and livestock use (the “Project”). Respondent hired qualified contractors to perform the Project. The SEP was performed in accordance with all federal, state, and local environmental laws and regulations.

Respondent used the SEP Offset Amount only for the direct cost of implementing the Project, including supplies, materials, and equipment rentals, as listed below in Subsection C. Expenses. No portion of the SEP Offset Amount was spent on administrative costs, including operating costs, reporting expenses, handling of expenses, project coordination, liability, or equipment breakdowns.

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

B. Environmental Benefit

This SEP will ensure that unsafe water from unapproved sources does not enter the clean water supply. Removing connections from untreated water sources eliminates cross contamination into water that can lead to health issues, including gastrointestinal illness, reproductive problems, and neurological disorders. The addition of backflow assembly also prevents unsafe water from reversing flow and entering the clean water supply. Furthermore, repurposing of the untreated groundwater wells for irrigation can lessen demand on potable water resources, thereby making them more dependable and reliable for community use.

-

C. Expenses

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

Expenses

Item	Total
Water System Distribution Line Modifications	\$12,800
Total	\$12,800

2. Records

As of December 18, 2023, Respondent provided TCEQ the following documentation as proof of completion of the proposed SEP:

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

3. Additional Information and Access

Respondent shall provide additional information as requested by TCEQ staff and shall allow immediate (i.e., within 24 hours) access to all records related to the SEP Offset Amount. Respondent shall also allow representatives of TCEQ access to the site of any work being financed in whole or in part by the SEP Offset Amount. This provision shall survive the termination of this Agreed Order.

4. Failure to Fully Perform

If Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the Executive Director ("ED") may require immediate payment of all or part of the SEP Offset Amount as set forth in the attached Agreed Order.

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

-

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

5. Publicity

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

6. Recognition

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

7. Other SEPs by TCEQ or Other Agencies

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