

Executive Summary – Enforcement Matter – Case No. 62220

Maverick County

RN101253565

Docket No. 2022-0443-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Maverick County Airport Water Works, 223 Fire Fly Lane near Eagle Pass, Maverick County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: November 11, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$7,656

Amount Deferred for Expedited Settlement: \$1,531

Total Paid to General Revenue: \$6,125

Total Due to General Revenue: \$0

Payment Plan: N/A

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): N/A

Complaint Information: N/A

Date(s) of Investigation: April 1, 2022, through April 4, 2022

Date(s) of NOE(s): April 12, 2022

Executive Summary – Enforcement Matter – Case No. 62220
Maverick County
RN101253565
Docket No. 2022-0443-PWS-E

Violation Information

1. Failed to ensure that the disinfection contact time ("CT") study used by the Facility is based on tracer study data or a theoretical analysis approved by the Executive Director ("ED") and the actual flow rate that is occurring at the time that monitoring occurs. Specifically, a plant expansion was completed in February 2021, to include additional clarification, filtration, pumping, and chemical injection facilities, and a revised CT study had not been submitted or approved by the ED [30 TEX. ADMIN. CODE § 290.111(d)(2)(B)].
2. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan had not been updated upon completion of the plant expansion and did not include details of the in-plant monitoring, schematic of monitoring locations, distribution disinfection monitoring, and maps of monitoring locations for disinfection and lead and copper sampling [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
3. Failed to ensure turbidity monitoring equipment and all associated data recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement. Specifically, the online combined filter effluent turbidimeter was set at 1.00 nephelometric turbidity units and the operator could not determine the upper limits set on the 12 individual filter effluent ("IFE") turbidimeters [30 TEX. ADMIN. CODE § 290.111(e)(5)(E)(i)].
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, operators had been collecting and reporting grab samples for the IFE turbidity since the additional six filters were added upon completion of the plant expansion in February 2021 in lieu of continuous monitoring [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)(iii)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days:

Executive Summary – Enforcement Matter – Case No. 62220

Maverick County

RN101253565

Docket No. 2022-0443-PWS-E

- i. Submit a revised CT study to the ED for review and approval and ensure disinfection contact time is based on tracer study data or a theoretical analysis and the actual flow rate that is occurring at the time that monitoring occurs;
 - ii. Ensure turbidity monitoring equipment and all associated data recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement; and
 - iii. Begin using the automated continuous turbidity monitoring equipment and cease conducting grab sampling in lieu of continuous monitoring for IFE turbidity.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
 - c. Within 60 days, maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements.
 - d. Within 75 days, submit written certification to demonstrate compliance with c.
 - e. Within 130 days, obtain approval of the revised CT study from the ED and implement the approved study.
 - f. Within 145 days, submit written certification to demonstrate compliance with e.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Duncan, Enforcement Division, Enforcement Team 4, MC R-4, (817) 588-5805; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable David Saucedo, County Judge, Maverick County, 500 Quarry Street, Suite 3, Eagle Pass, Texas 78852

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Apr-2022		
	PCW	19-Apr-2022	Screening	18-Apr-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	Maverick County		
Reg. Ent. Ref. No.	RN101253565		
Facility/Site Region	16-Laredo	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	62220	No. of Violations	4
Docket No.	2022-0443-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,375
-------------------------------------------------------------	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	75.0% Adjustment	Subtotals 2, 3, & 7	\$3,281
---------------------------	------------------	--------------------------------	---------

Notes: Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without 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	\$256
Estimated Cost of Compliance	\$2,745

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,656
-----------------------------	-----------------------	---------

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$7,656
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,656
-----------------------------------	-------------------------------	---------

DEFERRAL	20.0%	Reduction	Adjustment	-\$1,531
-----------------	-------	-----------	-------------------	----------

Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,125
------------------------	---------

Screening Date 18-Apr-2022

Docket No. 2022-0443-PWS-E

PCW

Respondent Maverick County

Policy Revision 5 (January 28, 2021)

Case ID No. 62220

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101253565

Media Public Water Supply

Enf. Coordinator Ryan Byer

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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	2	50%
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) 75%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with the same/similar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 75%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 75%

Screening Date	18-Apr-2022	Docket No.	2022-0443-PWS-E	PCW
Respondent	Maverick County			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	62220			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101253565			
Media	Public Water Supply			
Enf. Coordinator	Ryan Byer			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 62220
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,000	21-Jun-2021	9-Mar-2023	1.72	\$86	n/a	\$86

Notes for DELAYED costs

The delayed cost includes the estimated amount to submit and obtain TCEQ approval of a new CT study, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,000

TOTAL \$86

Screening Date 18-Apr-2022

Docket No. 2022-0443-PWS-E

PCW

Respondent Maverick County

Policy Revision 5 (January 28, 2021)

Case ID No. 62220

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101253565

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description

Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements. Specifically, the monitoring plan had not been updated upon completion of the plant expansion and did not include details of the in-plant monitoring, schematic of monitoring locations, distribution disinfection monitoring, and maps of monitoring locations for disinfection and lead and copper sampling.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes

Between 30% to 70% of the rule requirements were not met.

Adjustment \$4,875

\$125

Violation Events

Number of Violation Events 1

17 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$125

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 \$125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$219

This violation Final Assessed Penalty (adjusted for limits) \$219

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 62220
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$180	21-Jun-2021	29-Dec-2022	1.52	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the estimated amount to update and begin maintaining a chemical and microbiological monitoring plan, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$14

Screening Date 18-Apr-2022 **Docket No.** 2022-0443-PWS-E **PCW**
Respondent Maverick County *Policy Revision 5 (January 28, 2021)*
Case ID No. 62220 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(5)(E)(i)

Violation Description Failed to ensure turbidity monitoring equipment and all associated data recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement. Specifically, the online combined filter effluent turbidimeter was set at 1.00 nephelometric turbidity units and the operator could not determine the upper limits set on the 12 individual filter effluent ("IFE") turbidimeters.

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 ensure turbidity equipment and all associated recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement could cause inaccurate data collection and prevent detection of treatment problems and could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 13 17 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,250

Thirteen single events are recommended, one for each device.

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 \$3,250

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

Estimated EB Amount \$5 **Violation Final Penalty Total** \$5,688

This violation Final Assessed Penalty (adjusted for limits) \$5,688

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 62220
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				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)	\$65	21-Jun-2021	29-Nov-2022	1.44	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure turbidity equipment and all associated recording devices (\$5 per device x 13 devices) read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$65

TOTAL \$5

Screening Date 18-Apr-2022 **Docket No.** 2022-0443-PWS-E **PCW**
Respondent Maverick County *Policy Revision 5 (January 28, 2021)*
Case ID No. 62220 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Enf. Coordinator Ryan Byer

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(5)(C)(iii)

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, operators had been collecting and reporting grab samples for the IFE turbidity since the additional six filters were added upon completion of the plant expansion in February 2021 in lieu of continuous monitoring.

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 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

17 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 record review, April 1, 2022, to the date of screening, April 18, 2022.

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

Statutory Limit Test

Estimated EB Amount \$151

Violation Final Penalty Total \$438

This violation Final Assessed Penalty (adjusted for limits) \$438

Economic Benefit Worksheet

Respondent Maverick County
Case ID No. 62220
Reg. Ent. Reference No. RN101253565
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	21-Jun-2021	29-Nov-2022	1.44	\$7	\$144	\$151
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 ensure that continuous turbidity monitoring equipment is used to monitor the IFE and cease conducting grab sampling in lieu of continuous monitoring, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$151



Compliance History Report

Compliance History Report for CN600640015, RN101253565, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator:	CN600640015, Maverick County	Classification:	SATISFACTORY	Rating:	2.00
Regulated Entity:	RN101253565, MAVERICK COUNTY AIRPORT WATER WORKS	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	223 FIRE FLY LANE NEAR EAGLE PASS, MAVERICK COUNTY, TEXAS				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1620003 WATER LICENSING LICENSE 1620003				

Compliance History Period:	September 01, 2016 to August 31, 2021	Rating Year:	2021	Rating Date:	09/01/2021
Date Compliance History Report Prepared:	April 18, 2022				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 18, 2017 to April 18, 2022				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer			Phone:	(512) 239-2571

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 10/26/2017 ADMINORDER 2017-0408-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 9/2016 - Respondent failed to achieve a turbidity level of the CFE that is 0.3 NTU or less in at least 95% of the samples tested each month. Specifically, more than 5% of the combined filter effluent ("CFE") readings were above 0.3 nephelometric turbidity units ("NTU") for September 2016 (16%).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 10/2016 - Respondent failed to achieve a turbidity level of the CFE that is 1.0 NTU or less. Specifically, more than 5% of the combined filter effluent ("CFE") readings were above 0.3 nephelometric turbidity units ("NTU") for October 2016 (100%).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 11/2016 - Respondent failed to achieve a turbidity level of the CFE that is less than 5.0 NTU. Specifically, more than 5% of the combined filter effluent ("CFE") readings were above 0.3 nephelometric turbidity units ("NTU") for November 2016 (10.9%).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: SWTR Non-acute TT Violation 11/2016 - Respondent failed to achieve a turbidity level of the CFE that is 1.0 NTU or less. Specifically, the CFE reading was above 1.0 NTU for two days in November 2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(i)(3)
5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Acute TT Violation 10/2016 - Respondent failed to achieve a turbidity level of the CFE that is less than 5.0 NTU. Specifically, the CFE reading exceeded 5.0 NTU for two days in October 2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: OCT/2016 SWTR Non-Acute TT PN Posting and Reporting Violation - Failed to timely provide public notification and submit a copy of the public notification to the Executive Director regarding the non-acute surface water treatment technique violation during the month of October 2016.

2 Effective Date: 02/14/2018 ADMINORDER 2016-1471-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: MAY/2015 CLO2 Acute MRDL - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 05/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(3)
30 TAC Chapter 290, SubChapter F 290.110(c)(3)
30 TAC Chapter 290, SubChapter F 290.110(f)(5)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: JUN/2015 CLO2 Acute MRDL - The system violated the MRDL for chlorine dioxide and failed to collect each of the three additional distribution samples required during the month of 06/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: CHLORITE MR PN 08/2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a chlorite monitoring and reporting violation for the month of 08/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MAY/2015 CLO2 Acute MRDL PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was for an acute monthly chlorine dioxide MRDL violation during the month of 05/2015.

3 Effective Date: 01/14/2020 ADMINORDER 2019-0851-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(B)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a treatment plant capacity of 0.6 gallon per minute ("gpm") per connection. Specifically, with 549 connections, the Facility is required to provide a minimum treatment plant capacity of 329.4 gpm. However, the Facility's total treatment plant capacity was 243 gpm, indicating is a 26% deficiency.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 May 23, 2018 (1484199)

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: 08/30/2021 (1749729)

Self Report? NO

Classification: Moderate

Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)		
Description:	Failure to test the backflow prevention device at the plant annually.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.111(d)(2)(B)		
Description:	Failure to base disinfection contact time on tracer study data or a theoretical analysis submitted by the system owner or their designated agent and approved by the executive director and the actual flow rate that is occurring at the time that monitoring occurs.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)		
Description:	Failure to update the monitoring plan upon completion of the plant expansion.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(e)(5)(E)(i)		
Description:	Failure to ensure the turbidimeters can read 10% higher than required trigger levels of 2.0 Nephelometric Turbidity Units (NTU) for the individual filter effluent (IFE) and 5.0 NTU for combined filter effluent (CFE).		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to provide a thorough plant operations manual readily available to the operators.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)		
Description:	Failure to collect grab IFE turbidity data in lieu of continuous data for no longer than 14 days.		

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
MAVERICK COUNTY
RN101253565

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0443-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 Maverick 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 223 Fire Fly Lane near Eagle Pass, Maverick County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 653 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 \$7,656 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,125 of the penalty and \$1,531 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount 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 of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
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.

II. ALLEGATIONS

During a record review conducted on April 1, 2022, through April 4, 2022, an investigator documented that the Respondent:

1. Failed to ensure that the disinfection contact time ("CT") study used by the Facility is based on tracer study data or a theoretical analysis approved by the Executive Director and the actual flow rate that is occurring at the time that monitoring occurs, in violation of 30 TEX. ADMIN. CODE § 290.111(d)(2)(B). Specifically, a plant expansion was completed in February 2021, to include additional clarification, filtration, pumping, and chemical injection facilities, and a revised CT study had not been submitted or approved by the Executive Director.
2. Failed to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan had not been updated upon completion of the plant expansion and did not include details of the in-plant monitoring, schematic of monitoring locations, distribution disinfection monitoring, and maps of monitoring locations for disinfection and lead and copper sampling.
3. Failed to ensure turbidity monitoring equipment and all associated data recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(E)(i). Specifically, the online combined filter effluent turbidimeter was set at 1.00 nephelometric turbidity units and the operator could not determine the upper limits set on the 12 individual filter effluent ("IFE") turbidimeters.
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, operators had been collecting and reporting grab samples for the IFE turbidity since the additional six filters were added upon completion of the plant expansion in February 2021 in lieu of continuous monitoring.

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: Maverick County, Docket No. 2022-0443-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Order:

- i. Submit a revised CT study to the Executive Director for review and approval and ensure disinfection contact time is based on tracer study data or a theoretical analysis and the actual flow rate that is occurring at the time that monitoring occurs, in accordance with 30 TEX. ADMIN. CODE § 290.111. The CT study shall be submitted to:

Texas Commission on Environmental Quality
Technical Review and Oversight Team, MC-159
P.O. Box 13087
Austin, Texas 78711-3087

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

- ii. Ensure turbidity monitoring equipment and all associated data recording devices read and record levels at least 10% higher than the turbidity level needed to determine compliance with the highest applicable regulatory requirement, in accordance with 30 TEX. ADMIN. CODE § 290.111; and
 - iii. Begin using the automated continuous turbidity monitoring equipment and cease conducting grab sampling in lieu of continuous monitoring for IFE turbidity, in accordance with 30 TEX. ADMIN. CODE § 290.111.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting

documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii.

- c. Within 60 days after the effective date of this Order, maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 130 days after the effective date of this Order, obtain approval of the revised CT study from the Executive Director and implement the approved study at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.111.
- f. Within 145 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.e. The certification shall be signed by the Respondent and shall include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

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

- 3. All relief not expressly granted in this Order is denied.


4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. 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.
7. 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.
8. 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

1/27/2023

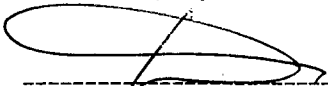
Date

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 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

Date

David R. Saucedo

Name (Printed or typed)
Authorized Representative of
Maverick County

8-18-2022

County Judge

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.