Executive Summary – Enforcement Matter – Case No. 63168 City of Primera RN101389617 Docket No. 2022-1374-PWS-E

Order Type: Findings Agreed Order Findings Order Justification: Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s). Media: PWS **Small Business:** No Location(s) Where Violation(s) Occurred: City of Primera PWS, 22893 North Stuart Place Road, Primera, Cameron 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:** October 18, 2024 Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,263 Total Paid to General Revenue: \$3,263 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - High Site/RN - Unclassified Major Source: Yes Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: July 27, 2022 through August 10, 2022 Date(s) of NOE(s): October 4, 2022

Executive Summary - Enforcement Matter - Case No. 63168 City of Primera RN101389617 Docket No. 2022-1374-PWS-E

Violation Information

1. Failed to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

2. Failed to use a water works operator who holds an applicable valid license issued by the Executive Director [30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On August 5, 2022, the Respondent maintained a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days, use a water works operator who holds an applicable, valid license issued by the Executive Director at the Facility; and

b. Within 45 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Ilia Perez-Ramirez, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3743; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 **Respondent:** The Honorable Pat Patterson, Mayor, City of Primera, 22893 North Stuart Place Road, Harlingen, Texas 78552 Celina Gonzales, City Manager, City of Primera, 22893 North Stuart Place Road, Harlingen, Texas 78552 **Respondent's Attorney:** N/A

SOUMAISSIC SOUMAISSIC	Policy R	Pe evision 5 (January 28,		Calculatio	n Workst	neet (PC		vision February	/ 11, 2021
DATES	Assigned	10-Oct-2022							
	PCW	11-Oct-2022	Screenin	g 11-Oct-2022	EPA Due				
RESPO	NDENT/FACILI	TY INFORMATIC City of Primera	DN						1
Rec	a. Ent. Ref. No.								
	ty/Site Region				Maior/M	linor Source	Major		
	-,, ene negion	20 Hallingen							Į
CASE I	NFORMATION								
En	f./Case ID No.				No. c	of Violations			
		2022-1374-PWS-				Order Type	2		
Med		Public Water Sup	ply		Government	•			
	Multi-Media				Enf.		Dalton Wallace Enforcement T		
۵dr	nin. Penalty \$ I	imit Minimum	\$50	Maximum	\$5,000	EC S Team	EIIIOICEIIIEIILI	ean 5]
Ли			450	Huxiniuni	ψ3,000				
			Dona	Ity Calcula	tion Section	on			
				,		511			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violatio	n base penal	ties)		Subtotal 1		\$3,750
	STMENTS (+	/-) TO SUBTO	TAL 1						
ADJU.		ptained by multiplying		e Penalty (Subtotal 1) by the indicated p	percentage.			
	Compliance Hi	story		-8.0%	Adjustment	Subto	tals 2, 3, & 7		-\$300
		Enhancement fo	or one NOV	with dissimilar v	violations Redu	ction for the			
	Notes			Performer classifi					
			Ingili		cation.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	. ,]		<u>·</u>
	Notes	The Res	pondent de	oes not meet the	culpability crite	eria.			
	Cood Epith Eff	ort to Comply T	tal Adiuc	tmonto			Subtatal E		-\$187
	GOOD Faith En	ort to Comply To	stal Aujus	tments			Subtotal 5		-\$107
	Economic Ben				Enhancement*		Subtotal 6		\$0
	Ectimated	Total EB Amounts	\$15	*Cappe	d at the Total EB \$ /	Amount			
	Estimated		\$300						
SUM (OF SUBTOTA	151-7				F	inal Subtotal	· · · · · · · · · · · · · · · · · · ·	\$3,263
55011							mar Subtotal		<i></i>
OTHE	R FACTORS A	AS JUSTICE M	AY REOL	UTRE	0.0%		Adjustment		\$0
		Subtotal by the indic			010 /0		Aujustinent		+ =
	Notes								
						Final Per	alty Amount		\$3,263
			_					-	+
STAT	JTORY LIMIT	r adjustmen	T			Final Asse	ssed Penalty		\$3,263
DEEE								h	
DEFE		nalty by the indicated	norcontago		0.0%	Reduction	Adjustment		\$0
Reduces t	ne Final Assessed Pe	nalty by the indicated	percentage.				1		
	Notes	No.d	eferral is re	ecommended for	Findings Orders				
	NOLCO								
							1		
PAYA	BLE PENALT	Y							\$3,263
		-							

		Other written NOVs	1	2%			
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%			
	Orders	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	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%			
	and Consent Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%			
	Addits	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%			
		Environmental management systems in place for one year or more	No	0%			
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%			
	other	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 Per	centage (Sub	total 2)	2%		
>> Re	peat Violator						
	No		centage (Sub	total 3)	0%		
>> CO	-	ory Person Classification (Subtotal 7)		.	100/		
_	High Perf	·	centage (Sub	total 7)	-10%		
>> Co	mpliance Hist	ory Summary		1			
	Compliance History Notes	Enhancement for one NOV with dissimilar violations. Reduction for the High classification.	Performer				
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)8%							
	>> Final Compliance History Adjustment Final Adjustment Percentage *capped at 100% -8%						
>> Fina	al Compliance		ade *canned :	at 100%	-8%		

Respondent City of Primera Case ID No. 63168 Reg. Ent. Reference No. RN101389617 Media Public Water Supply

Screening Date 11-Oct-2022

Enf. Coordinator Dalton Wallace

Component Number of...

NOVs

Compliance History Worksheet >> Compliance History Site Enhancement (Subtotal 2)

Written notices of violation ("NOVs") with same or similar violations as those in

the current enforcement action (number of NOVs meeting criteria)

Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

0%

Number

0

PCW

Docket No. 2022-1374-PWS-E

-PWS-E

		ening Date			Doc	ket No. 2022-1374	I-PWS-E			PCW
		-	City of Primera					Policy R	evision 5 (J	anuary 28, 2021)
		ase ID No.						PCV	V Revision F	ebruary 11, 2021
Reg. I	Ent. Ref		RN101389617							
	Enf (Public Water Supply							
		tion Number	Dalton Wallace							
	VIOIC									
		Rule Cite(s)	30 Tex. Admin. Co) and 290.110(b)(4) 341.0315(c)	and lex.	Health &		
			Failed to mainta	in a disin'	fectant resid	ual of at least 0.5 mi	lliaram ne	or liter		
						al chlorine) through				
	Violatio	n Description	system at all times.	Specifica	ally, on July 2	27, 2022, a total chlo	orine conc	entration		
			of 0.02 mg/L was m			ancho Road (also kno	own as Sa	mple Site		
				NO. 10J	anu 17248 i	Rio Rancho Road).				
							Base	e Penalty		\$5,000
>> Env	vironme	ntal, Prope	rty and Human H	lealth I	Matrix					
				arm						
		Release	Major Moo	derate	Minor					
OR		Actual				Deveent [15.00/			
		Potential		x		Percent	15.0%			
>>Proc	gramma	tic Matrix								
-		Falsification	Major Moo	derate	Minor					
						Percent	0.0%			
	Matrix		ntain proper levels o							
	Notes	significant an	nount of contaminant	s which v	would not exe	ceed levels protective	e of huma	n health.		
		<u> </u>								
						Adjustment		\$4,250		
										\$750
Violatio		h.a.								
violatio	on Even	LS								
		Number of V	iolation Events	1		9 Number of	violation	days		
			daily							
			weekly monthly							
			quarterly	x		Viola	tion Base	e Penalty		\$750
			semiannual							
			annual							
			single event							
		One quarter	ly event is recommen			the date of the inves August 5, 2022.	stigation,	July 27,		
			2022, 10 11		compliance,	//ugust 5, 2022.				
Good Fa	aith Effo	orts to Com	ply	25.0%				Reduction		\$187
			Before I		NOE/NOV to ED	PRP/Settlement Offer				
			Extraordinary							
			Ordinary	x						
			N/A	<u>ال</u>						
			Notes Th	e Respon		d compliance on Aug	just 5,			
					20	022.				
								Cubtote!		\$563
-								Subtotal		<u>ک</u> ەرد
Econom	nic Bene	efit (EB) for	this violation			Statuto	y Limit	lest		
		Estimate	ed EB Amount		\$0	Violation F	inal Pena	alty Total		\$503
			Th	is violati	ion Final As	sessed Penalty (ad	ljusted fo	or limits)		\$503
								-		

	Economic Benefit Worksheet								
Respondent		а							
Case ID No.									
Reg. Ent. Reference No.	RN101389617	,							
Media	Public Water S	Supply				Percent Interest	Years of		
Violation No.	1					Percent Interest	Depreciation		
						5.0	15		
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount		
Item Description									
Delayed Costs									
Equipment		1		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)	\$200	27-Jul-2022	5-Aug-2022	0.02	\$0	n/a	\$0		
Notes for DELAYED costs	necessary re free chloram	epairs or adjustme ine (measured as	ents to the Facili total chlorine) t of the investigat	ty, and hroughc ion to th	maintain a disinfec out the distribution ne date of compliar		east 0.5 mg/L from the date		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)		
Disposal				0.00	\$0	\$0	\$0		
Personnel				0.00	\$0	\$0	\$0		
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0		
Supplies/Equipment				0.00	\$0	\$0	\$0		
Financial Assurance				0.00	\$0	\$0	\$0		
ONE-TIME avoided costs				0.00	\$0	\$0	\$0		
Other (as needed)				0.00	\$0	\$0	\$0		
Notes for AVOIDED costs									
Approx. Cost of Compliance		\$200			TOTAL		\$0		

	Scree	ning Date	11-Oct-2022		Docket No	2022-1374-PWS-E			PCW
			City of Primera						nuary 28, 2021)
Reg. F		ase ID No.	63168 RN101389617				РСИ	/ Revision Fe	bruary 11, 2021
Regi			Public Water Su	ylqqu					
	Enf. Co		Dalton Wallace						
		tion Number	2						
		Rule Cite(s)	30 Tex. Adm	n <mark>in. Code § 29</mark>	0.46(e) and Tex. Health	n & Safety Code § 341	033(a)		
		_			operator who holds an a				
	violation	Description	the Executive I		ifically, the Respondent distribution system resid		I Individual		
			<u> </u>			Bas	e Penalty		\$5,000
SS Env	ironmon	tal Brana	the and Hum	an Haalth	Matrix				
	nonnen	ital, Prope	rty and Hum	Harm	Mauix				
0.0		Release	Major	Moderate	Minor				
OR		Actual Potential		x		Percent 15.0%			
		FUCEIILIAI		X		Fercenc 15.0%			
>>Prog	grammat	ic Matrix							
	Ĩ	Falsification	Major	Moderate	Minor	Percent 0.0%			
	L								
	Matrix	Epiluro to ur	so a licenced wa	tor works one	rator could expose pers	one conved by the Eas	vility to a		
	Notes				would not exceed level				
	L								
					Ad	djustment	\$4,250		
							I		\$750
									1.00
Violatio	on Events	S							
		Number of \	/iolation Events	4	350	Number of violation	days		
			daily		1				
			weekly						
			monthly						
			quarterly	x		Violation Bas	e Penalty		\$3,000
			semiannual annual						
			single event						
	ĨF							1	
		Four quarter	•		calculated from the earli		tion date,		
			October 26,	, 2021, to the	date of screening, Octo	ber 11, 2022.			
Good Fa	aith Effo	rts to Com	ply	0.0%			Reduction		\$0
			E		NOE/NOV to EDPRP/Settlem	ent Offer			ΨŪ
			Extraordinary			4			
			Ordinary						
			N/A				ľ		
			Notes	The Respond	ent does not meet the g this violation.	good faith criteria for			
						Violation	Subtotal		\$3,000
Econom	nic Benef	fit (EB) for	this violation	on		Statutory Limit	t Test		
		Estimate	ed EB Amount		\$15	Violation Final Pen	alty Total		\$2,760
				This vio	lation Final Assessed	Penalty (adjusted f	or limite)		\$2,760
				1113 410		. charry (aujusteu i	51 11115)		<i>ψ</i> 2,700

	E	conomic	Benefit	Wo	rksheet		
Respondent	City of Primer	a					
Case ID No.	63168						
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.		Juppiy				Percent Interest	Depreciation
Violation No.	Z					= -	
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	26-Oct-2021	1-Oct-2024	2.93	\$15	n/a	\$15
	The delayed	cost includes the	estimated amou	int to u	se a water works o	perator who holds	an applicable.
Notes for DELAYED costs						t documented violat	
Notes for DELATED Costs	valia licelise i	bouch by the Excel			of compliance.		tion date to the
			estimate	u uute	or compliance.		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoided	d 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							
Notes for AVOIDED Costs							
Approx. Cost of Compliance		\$100			TOTAL		\$15
	L	Ψ100					Ψ15



Compliance History Report

Compliance History Report for CN600656136, RN101389617, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

	omer, Respondent, c er/Operator:	pr CN600656136, City of Primera	Classification: +	IIGH	Rating: 0.00
Regu	lated Entity:	RN101389617, CITY OF PRIMERA	Classification:	JNCLASSIFIED	Rating:
Comp	plexity Points:	0	Repeat Violator:	NO	
CH G	roup:	14 - Other			
Locat	tion:	22893 NORTH STUART PLACE ROAD IN	PRIMERA, CAMERON COUN	TY, TEXAS	
TCEQ	Region:	REGION 15 - HARLINGEN			
	umber(s): IC WATER SYSTEM/SU	PPLY REGISTRATION 0310094			
Comp	pliance History Perio	od: September 01, 2018 to August 31,	2023 Rating Year	2023 Rat	ing Date: 09/01/2023
Date	Compliance History	Report Prepared: June 26, 202	24		
Agen	cy Decision Requiri	ng Compliance History: Enforce	cement		
Comp	oonent Period Select	t ed: June 26, 2019 to June 26, 2024	1		
TCEQ	Staff Member to Co	entact for Additional Information	Regarding This Compl	iance History.	
	Name: Dalton Wallace		Phone: (512) 239-6704	
A. F B. C	inal Orders, court ju N/A riminal convictions:	dia) for the Site Are Listed in Idgments, and consent decrees:	<u>Sections A - J</u>		
с. с	N/A I hronic excessive en N/A	nissions events:			
	he approval dates o N/A	f investigations (CCEDS Inv. Trac	:k. No.):		
A	notice of violation repres	Diations (NOV) (CCEDS Inv. Track sents a written allegation of a violation of on is not a final enforcement action, nor p	a specific regulatory require		mission to a regulated
1	Date: 08	/25/2023 (1922642)			
	Self Report?	NO	Classification:	Minor	
	Citation: Description: Self Report?	30 TAC Chapter 290, SubChapter D 29 Failure to compile and keep up-to-dat NO		ns manual. Minor	
	Citation: Description:	30 TAC Chapter 290, SubChapter D 29 Failure to provide emergency power fo		ore than 250	
			Page 1		

	connections and do not meet elevated storage	•	
Self Report?	NO	Classification:	Minor
Citation: Description: Self Report?	30 TAC Chapter 290, SubChapter D 290.46(I) Failure to flush all dead-end mains on a month NO	Ily basis. Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter F 290.121		
Description:	Failure to maintain a Chemical and Bacteriolog	5	
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)	(2)(C)	
Description:	Failure to verify at least once every ninety day standard.	s Chlorine Analyzer	s with primary
Self Report?	NO	Classification:	Minor
Citation: Description:	30 TAC Chapter 290, SubChapter D 290.46(s) Failure to verify at least once every ninety day		nalyzers with primary
Description.	standard.	s chloranniation A	
Self Report?	NO	Classification:	Minor
Citation: Description:	30 TAC Chapter 290, SubChapter D 290.46(j) Failure to conduct Customer Service Inspection	ns (CSI's) on Form	TCEQ-20699.

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): $_{\mbox{$N/A$}}$
- H. Voluntary on-site compliance assessment dates: $_{\mbox{N/A}}$
- I. Participation in a voluntary pollution reduction program: \$N/A\$
- J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A All NOVs Issued During Component Period 6/26/2019 and 6/26/2024

Self Report No Classification: Minor Cutour	1	Date: 11	/22/2019	(1599381)			
 Baseriptine: Bornet in the ten further and results and results. See if Report is a function of the antification and an antification of the antification of th		Self Report?	NO			Classification:	Minor
 Description: Report No. Classification: Minor Classificat		Citation:					
Self Report NO Classification: Minor Gataion: 20 TAC Chapter 290, SubChapter D 290.42(1) Gassification: Minor Self Report No Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.42(1) Minor Gassification: Minor Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290 Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290 Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 200 Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 200 Classification: Minor Cataion: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290 SubChapter 290, SubChapter D 290.45(b)(2)(1) Cata: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 290, SubChapter D 290.45(b)(2)(1) Cata: 20 TAC Chapter 290, SubChapter D 290.45(b)(2)(1) Deschapter 200, SubChapter D 290.45(b)(2)(1) Desch		Description				intonyala	
<text> Hatierie Bailare to complement the intrification action pie. Bergori X Observation of the piece of the p</text>							Minor
Backer Johnson Backer Johnson Backer Johnson Dialize to implement the intrification octon plan. Backer Johnson Dialize to implement the intrification octon plan. Backer Johnson Dialize to implement the intrification octon plan. Backer Johnson Dialize to implement the intrification octon plan. Backer Johnson Dialize to control octon plan. Backer Johnson Dialize to control octon plan. Dialize to control octon plan. Backer Johnson Dialize to control octon plan. Dialize to control octon plan. Backer Johnson Dialize to control octon plan. Dialize to control octon plan. Backer Johnson Dialize to control octon plan. Dialize to control octon plan. Backer Johnson Dialize		-	NO			Classification.	Pinor
<text> Self Raport? No Classification: Minor Catator: Weiler to complie and keep up-to-date a thorough plant operations manual: Science in the interior interior interior interior interior Catator: Minor Classification: Minor Catator: Minor Minor Minor Catator: Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor Minor</text>		Citation	30 TAC C	hapter 290, SubChapter	r D 290.46(z)		
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Compliance History Report for CN600656136, RN101389617, Rating Year 2023 which includes Compliance History (CH) components from June 26, 2019, through June 26, 2024.

	Description:	30 TAC Chapter 290, SubChapter D 290.42(Failure to compile and keep up-to-date a the							
	•		5 1 1						
	Self Report?	NO	Classification:	Minor					
	Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(2)(H)							
	Description:	Failure to provide emergency power for systems which service more than 250 connections and do not meet elevated storage requirement.							
	Self Report?	NO	Classification:	Minor					
	Citation:								
	Description:	30 TAC Chapter 290, SubChapter D 290.46(I) Failure to flush all dead-end mains on a monthly basis.							
	Self Report?	NO	Classification:	Minor					
	Citation:								
		30 TAC Chapter 290, SubChapter F 290.121							
	Description:	Failure to maintain a Chemical and Bacteriological Monitoring Plan.							
	Self Report?	NO	Classification:	Minor					
	Citation:								
		30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)							
_	Description:	Failure to verify at least once every ninety da standard.	ays Chlorine Analyze	rs with primary					
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de l	Description:	Failure to verify at least once every ninety da standard.	ays Chloramination A	Analyzers with primary					
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	Citation:								
30 TAC Chapter 290, SubChapter D 290.46(j) Description: Failure to conduct Customer Service Inspections (CSI's) on Form TCEQ-20699.									
* NOVs app	licable for the C	Compliance History rating period 9/1/2018 to 8/	31/2023						

Appendix **B**

All Investigations Conducted During Component Period June 26, 2019 and June 26, 2024

Item 1	November 22, 2019**	(1599381)						
Item 2	April 08, 2021**	(1702499)						
Item 3	October 04, 2022**	(1846958)						
Item 4	August 22, 2023**	(1922642)						
* No violations documented during this investigation								

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CITY OF PRIMERA RN101389617 BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1374-PWS-E

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Primera (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 it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located at 22893 North Stuart Place Road in Primera, Cameron County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,475 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 an investigation at the Facility conducted on July 27, 2022 through August 10, 2022, an investigator documented that:
 - a. On July 27, 2022, a total chlorine concentration of 0.02 milligrams per liter ("mg/L") was measured at East Rio Rancho Road (also known as Sample Site No. 10J and 17248 Rio Rancho Road).
 - b. The Respondent allowed an unlicensed individual to collect distribution system residual samples.

3. The Executive Director recognizes that on August 5, 2022, the Respondent maintained a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system.

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 maintain a disinfectant residual of at least 0.5 mg/L of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to use a water works operator who holds an applicable, valid license issued by the Executive Director, in violation of 30 Tex. ADMIN. CODE § 290.46(e) and Tex. HEALTH & SAFETY CODE § 341.033(a).
- 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 \$3,263 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). The Respondent paid the \$3,263 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: City of Primera, Docket No. 2022-1374-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, use a water works operator who holds an applicable, valid license issued by the Executive Director at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 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.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager Harlingen Regional Office Texas Commission on Environmental Quality 1804 West Jefferson Avenue Harlingen, Texas 78550-5247

- 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 Enforcement Division at the address listed above.

- 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 in this Order.
- 7. 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.
- 8. 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.
- 9. 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.
- 10. 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

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.

Lalina Contales Name (Printed or typed) Authorized Representative of City of Primera 1/26/24

City Manager

□ 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.