

Executive Summary – Enforcement Matter – Case No. 63391
Mackenzie Municipal Water Authority
RN101452167
Docket No. 2022-1637-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – PWS, WQ

Small Business:

No

Location(s) Where Violation(s) Occurred:

Mackenzie Municipal Water Authority, 141 South Mackenzie Road, Silverton, Briscoe County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Past-Due Fees: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 5, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$18,250

Amount Deferred for Expedited Settlement: \$3,650

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$14,600

Name of SEP: SCADA Improvements (Compliance)

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: \$5

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: November 9, 2022

Date(s) of NOE(s): November 29, 2022

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Violation Information

1. Failed to provide a flow-measuring device to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant. Specifically, there was no flow-measuring device to measure the recycled decant water [30 TEX. ADMIN. CODE § 290.42(d)(5)].
2. Failed to return spent backwash water upstream of the raw water sample tap. Specifically, the spent backwash water is returned before the flash mix, which is downstream of the raw water sample tap location [30 TEX. ADMIN. CODE § 290.42(d)(3)(A)].
3. Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the alum tank did not have any containment facilities [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)].
4. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device. Specifically, the chlorine gas make-up line was only provided with a single check valve and the alum make-up line was not provided with an air gap or an acceptable backflow prevention device [30 TEX. ADMIN. CODE § 290.42(d)(2)(C)].
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the backwash pond contained mounds of sludge which reduced the capacity of the pond and contributed to an unauthorized discharge, the filter gallery contained an extensive amount of soil which buried several of the pipes in the filter gallery, and the filter building foundation had gaps which allow soil to wash into the pipe gallery [30 TEX. ADMIN. CODE § 290.46(m)].
6. Failed to inspect the Facility's ground storage tanks ("GSTs") annually. Specifically, the Tulia and County Line GSTs were not inspected in 2019, the Lockney GST was not inspected in 2019 or 2021, and the clearwell at the treatment plant had not been inspected at all [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
7. Failed to calibrate the Facility's flow measuring devices at least once every 12 months. Specifically, the raw, finished, and backwash flow measuring devices had not been calibrated since 2019 [30 TEX. ADMIN. CODE § 290.46(s)(1)].
8. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the benchtop turbidimeter, pH meter, online disinfectant residual analyzer, and manual disinfectant residual analyzer were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iv)].

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9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations. Specifically, the Respondent was verifying the low range and not the high range of the manual disinfectant residual analyzer while recording disinfectant residuals measured using the high range setting. Additionally, a chlorine solution of known concentrations for the low range, which had expired in 2020, was being used for verification of accuracy [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].

10. 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 public water system will use to comply with the monitoring requirements. Specifically, the monitoring plan only identified some sampling locations, partially described the sampling frequency for all monitoring, and did not specify the analytical procedures and laboratories that the public water system used to comply with the monitoring plan requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].

11. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the disinfectant residual was being monitored once per week at the GSTs [30 TEX. ADMIN. CODE § 290.110(c)(4)(C)].

12. Failed to continuously monitor and record the disinfectant residual of the water entering the distribution system at each entry point. Specifically, the disinfectant residual was not continuously monitored and recorded at the entry point and only grab samples were being collected [30 TEX. ADMIN. CODE § 290.110(c)(1)(A)].

13. Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes. Specifically, there were online turbidimeters installed for measuring the individual filter effluent, however, the Respondent was collecting grab samples to conduct individual filter effluent monitoring [30 TEX. ADMIN. CODE § 290.111(e)(3)(C)].

14. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, the backwash pond at the water treatment plant had overflowed and discharged wastewater off the plant property [TEX. WATER CODE § 26.121(a)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. On December 26, 2022, conducted the inspections of the Facility's GSTs.

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- b. On May 17, 2023, provided an updated chemical and microbiological monitoring plan.
- c. On August 2, 2023, provided the chlorine gas and alum make-up water supply lines with an acceptable backflow prevention device.
- d. On July 29, 2025:
 - i. Provided a flow-measuring device to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant;
 - ii. Provided adequate containment facilities for all liquid chemical storage tanks;
 - iii. Cleared the sludge from the backwash pond, removed the soil from the filter gallery, and fixed the filter buildings foundation;
 - iv. Began maintaining water works operation and maintenance records including calibration records for the benchtop turbidimeter, pH meter, online disinfectant residual analyzer, and manual disinfectant residual analyzer;
 - v. Began verifying the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations;
 - vi. Began continuously monitoring the filtered water turbidity at the effluent of each individual filter and recording the turbidity value every 15 minutes;
 - vii. Began continuously monitoring and recording the disinfectant residual of the water entering the distribution system; and
 - viii. Started monitoring the disinfectant residual at representative locations throughout the distribution system.

Technical Requirements:

- 1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).
- 2. The Order will also require the Respondent to:
 - a. Immediately, cease the unauthorized discharge of wastewater from the backwash pond;
 - b. Within 30 days, provide a flow measuring device to measure the recycled decant water;

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- c. Within 45 days, submit written certification to demonstrate compliance with a. and b.;
- d. Within 90 days, return the spent backwash water to the raw waterline upstream of the raw water sample tap or obtain approval for the raw water sampling tap before the recycle stream;
- e. Within 105 days, submit written certification to demonstrate compliance with d.;
- f. Within 180 days, submit an administratively complete permit application for the discharge of wastewater from the backwash pond;
- g. Within 195 days, submit written certification to demonstrate compliance with f.;
- h. Within 270 days, obtain approval of the permit application for the discharge of backwash wastewater; and
- i. Within 285 days, submit written certification to demonstrate compliance with h.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Wyatt Throm, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1120; Michael Parrish, Enforcement Division, MC R-12, (512) 239-2548

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

Respondent: Jessica Shelton, General Manager, Mackenzie Municipal Water Authority, 141 South Mackenzie Road, Silverton, Texas 79257

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 28-Nov-2022 | Screening | 5-Dec-2022 | EPA Due | |
| | PCW | 2-Dec-2022 | | | | |

| | |
|--|--|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Mackenzie Municipal Water Authority (PCW No. 1 of 2) |
| Reg. Ent. Ref. No. | RN101452167 |
| Facility/Site Region | 1-Amarillo |
| Major/Minor Source | Major |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 63391 | No. of Violations | 13 |
| Docket No. | 2022-1637-MLM-E | Order Type | 1660 |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | Water Quality | Enf. Coordinator | Wyatt Throm |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$50 | Maximum | \$5,000 |

Penalty Calculation Section

| | | |
|---|-------------------|----------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$15,100 |
|---|-------------------|----------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | | |
|---------------------------|------|------------|--------------------------------|-----|
| Compliance History | 0.0% | Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|------|------------|--------------------------------|-----|

Notes: No adjustment for compliance history.

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| 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 | -\$605 |
|--|-------------------|--------|

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

Total EB Amounts: \$839
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|----------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$14,495 |
|-----------------------------|-----------------------|----------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|----------|
| Final Penalty Amount | \$14,495 |
|-----------------------------|----------|

| | | |
|-----------------------------------|-------------------------------|----------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$14,500 |
|-----------------------------------|-------------------------------|----------|

| | | | | |
|-----------------|-------|-----------|------------|----------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$2,900 |
|-----------------|-------|-----------|------------|----------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|----------|
| PAYABLE PENALTY | \$11,600 |
|------------------------|----------|

Screening Date 5-Dec-2022

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PCW

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63391

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101452167

Media Public Water Supply

Enf. Coordinator Wyatt Throm

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 5-Dec-2022

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PCW

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63391

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101452167

Media Public Water Supply

Enf. Coordinator Wyatt Throm

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(d)(5)

Violation Description

Failed to provide a flow-measuring device to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant. Specifically, there was no flow-measuring device to measure the recycled decant water.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 15.0% |
| Potential | | x | | |

>> Programmatic Matrix

| Falsification | Harm | | | Percent |
|---------------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| | | | | 0.0% |
| | | | | |

Matrix Notes

Failure to provide a flow-measuring device to measure the recycled decant water could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 Number of violation days 26

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 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 \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$48

Violation Final Penalty Total \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
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 | \$200 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$2 | \$46 | \$48 |
| 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) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a flow-measuring device to measure the recycled decant water, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

TOTAL

\$48

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(3)(A)

Violation Description Failed to return spent backwash water upstream of the raw water sample tap. Specifically, the spent backwash water is returned before the flash mix, which is downstream of the raw water sample tap location.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0.0% |

Matrix Notes Failure to have the recycle stream returned upstream of the water sample tap could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$291 **Violation Final Penalty Total** \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
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) | \$1,000 | 1-Mar-2022 | 26-Apr-2026 | 4.16 | \$14 | \$277 | \$291 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to return the spent backwash upstream of the raw waterline, 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

| |
|-------|
| \$291 |
|-------|

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <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"/> |
| quarterly | <input type="text" value="x"/> |
| 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 EDRP/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 Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
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) | \$500 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$6 | \$114 | \$120 |
| 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 provide adequate containment facilities for the alum tank, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$500

TOTAL \$120

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 4
Rule Cite(s) 30 Tex. Admin. Code § 290.42(d)(2)(C)
Violation Description Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device. Specifically, the chlorine gas make-up line was only provided with a single check valve and the alum make-up line was not provided with an air gap or an acceptable backflow prevention device.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 30.0% |
| Potential | x | | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes Failure to provide an air gap or an acceptable backflow prevention device on the chlorine and alum make-up water supply lines could cause persons served by the Facility to be exposed to contaminants which would exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 2 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$3,000

Two monthly events are recommended (one event per make-up line), calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 10.0% Reduction \$300

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

Notes The Respondent achieved compliance on August 2, 2023.

Violation Subtotal \$2,700

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

Estimated EB Amount \$60 **Violation Final Penalty Total** \$2,700

This violation Final Assessed Penalty (adjusted for limits) \$2,700

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
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 | \$600 | 1-Mar-2022 | 2-Aug-2023 | 1.42 | \$3 | \$57 | \$60 |
| 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) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to install an air gap or an acceptable backflow prevention device on the chlorine and alum make-up water supply lines, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

| |
|-------|
| \$600 |
|-------|

TOTAL

| |
|------|
| \$60 |
|------|

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description
 Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the backwash pond contained mounds of sludge which reduced the capacity of the pond and contributed to an unauthorized discharge, the filter gallery contained an extensive amount of soil which buried several of the pipes in the filter gallery, and the filter building foundation had gaps which allow soil to wash into the pipe gallery.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 15.0% |
| Potential | | x | | |

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes
 Failure to ensure the good working condition and general appearance of the system's facilities and its equipment could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$239 **Violation Final Penalty Total** \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 5

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|---------|------------|-------------|------|------|-------|-------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$1,000 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$11 | \$228 | \$239 |
| 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 remove the sludge from the backwash pond, remove the sediment from the filter pipe gallery, and repair the filter building foundation so that soil can no longer enter the pipe gallery, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$239

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| | Falsification | Major | Moderate | Minor | Percent |
|--|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <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"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text" value="x"/> |

Violation Base Penalty

Good Faith Efforts to Comply Reduction

| | Before NOE/NOV | NOE/NOV to EDRP/Settlement Offer |
|---------------|----------------------|----------------------------------|
| Extraordinary | <input type="text"/> | <input type="text"/> |
| Ordinary | <input type="text"/> | <input type="text" value="x"/> |
| N/A | <input type="text"/> | <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 Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 6

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

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) | \$164 | 1-Mar-2022 | 26-Dec-2022 | 0.82 | \$7 | n/a | \$7 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct the annual GST inspections (\$41 per tank x four tanks), calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$164

TOTAL

\$7

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate the Facility's flow measuring devices at least once every 12 months. Specifically, the raw, finished, and backwash flow measuring devices had not been calibrated since 2019.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 15.0% |
| Potential | | x | | |

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0.0% |

Matrix Notes Failure to calibrate the Facility's flow measuring devices could result in inaccurate or unavailable water usage and production data, resulting in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 3 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,250

Three single events are recommended (one event per flow meter).

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 \$2,250

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

Estimated EB Amount \$19 **Violation Final Penalty Total** \$2,250

This violation Final Assessed Penalty (adjusted for limits) \$2,250

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 7

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$93 | 1-Mar-2022 | 12-Mar-2026 | 4.03 | \$19 | n/a | \$19 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's raw, finished, and backwash flow measuring devices (\$31 per well meter x three meters), 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 \$93

TOTAL \$19

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(B)(iv)

Violation Description
 Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, calibration records for the benchtop turbidimeter, pH meter, online disinfectant residual analyzer, and manual disinfectant residual analyzer, were not maintained on-site for review.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 0.0% |
| | Potential | | | | |

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | x | 1.0% |

Matrix Notes
 Less than 30% of the rule requirement was not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$50

One single event is recommended

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$50

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$50

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 8

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | \$45 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$8 | n/a | \$8 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$8

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
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Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|----------------------|----------------------|----------------------|----------------------|-----------------------------------|
| <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <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"/> |
| quarterly | <input type="text"/> |
| semiannual | <input type="text"/> |
| annual | <input type="text"/> |
| single event | <input type="text" value="x"/> |

Violation Base Penalty

Good Faith Efforts to Comply Reduction

| | Before NOE/NOV | NOE/NOV to EDRP/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 Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 9

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-----|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$5 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$1 | n/a | \$1 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to properly verify the accuracy of the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations (\$5 every 90 days), calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$5

TOTAL \$1

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 10

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 public water system will use to comply with the monitoring requirements. Specifically, the monitoring plan only identified some sampling locations, partially described the sampling frequency for all monitoring, and did not specify the analytical procedures and laboratories that the public water system used to comply with the monitoring plan requirements.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

| Release | Harm | | | Percent |
|-----------|-------|----------|-------|---------|
| | Major | Moderate | Minor | |
| Actual | | | | 0.0% |
| Potential | | | | |

>> **Programmatic Matrix**

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | x | 1.0% |

Matrix Notes
 Less than 30% of the rule requirement was not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 10.0% Reduction \$5

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

Notes
 The Respondent achieved compliance on May 17, 2023.

Violation Subtotal \$45

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

Estimated EB Amount \$11 **Violation Final Penalty Total** \$45

This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 10

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

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 | 1-Mar-2022 | 17-May-2023 | 1.21 | \$11 | n/a | \$11 |

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$11

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(C)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day. Specifically, the disinfectant residual was being monitored once per week at the GSTs.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0.0% |

Matrix Notes Failure to monitor the disinfectant residual at representative locations at least once per day throughout the distribution system could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 11

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|------|------------|-------------|------|-----|-----|-----|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | \$10 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$2 | n/a | \$2 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to monitor the disinfectant residual at least once per day, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10

TOTAL

\$2

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 12

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(1)(A)

Violation Description
 Failed to continuously monitor and record the disinfectant residual of the water entering the distribution system at each entry point. Specifically, the disinfectant residual was not continuously monitored and recorded at the entry point and only grab samples were being collected.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

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

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0.0% |

Matrix Notes
 Failure to properly monitor and record the disinfectant residual at each entry point could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$750

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

Estimated EB Amount \$17 **Violation Final Penalty Total** \$750

This violation Final Assessed Penalty (adjusted for limits) \$750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 12

| 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) | \$100 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$17 | n/a | \$17 |

Notes for DELAYED costs

The delayed cost includes the estimated amount to begin to continuously monitor and record the disinfectant residual at the entry point, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$17

Screening Date 5-Dec-2022 **Docket No.** 2022-1637-MLM-E **PCW**
Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2) *Policy Revision 5 (January 28, 2021)*
Case ID No. 63391 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Enf. Coordinator Wyatt Throm

Violation Number 13

Rule Cite(s) 30 Tex. Admin. Code § 290.111(e)(3)(C)

Violation Description
 Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes. Specifically, there were online turbidimeters installed for measuring the individual filter effluent, however, the Respondent was collecting grab samples to conduct individual filter effluent monitoring.

Base Penalty \$5,000

>> **Environmental, Property and Human Health Matrix**

| OR | Release | Harm | | | Percent |
|----|-----------|-------|----------|-------|---------|
| | | Major | Moderate | Minor | |
| | Actual | | | | 30.0% |
| | Potential | x | | | |

>> **Programmatic Matrix**

| | Falsification | Major | Moderate | Minor | Percent |
|--|---------------|-------|----------|-------|---------|
| | | | | | 0.0% |

Matrix Notes
 Failure to measure and record combined filter effluent and individual filter effluent could expose customers served by the Facility to undetected contaminants that would exceed levels that are protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 1 26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | x |
| quarterly | |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$1,500

One monthly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 2022.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$1,500

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

Estimated EB Amount \$17 **Violation Final Penalty Total** \$1,500

This violation Final Assessed Penalty (adjusted for limits) \$1,500

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 1 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Public Water Supply
Violation No. 13

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

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

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|------|------|-----|------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | \$0 | \$0 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 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 | 1-Mar-2022 | 29-Jul-2025 | 3.41 | \$17 | n/a | \$17 |

Notes for DELAYED costs

The estimated delayed cost includes the estimated amount implement procedures to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes, calculated from the date of the investigation initially documenting the violation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$17



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

| | | | | | | |
|--------------|-----------------|-------------|------------------|------------|----------------|--|
| DATES | Assigned | 28-Nov-2022 | Screening | 5-Dec-2022 | EPA Due | |
| | PCW | 2-Dec-2022 | | | | |

| | |
|--|--|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | Mackenzie Municipal Water Authority (PCW No. 2 of 2) |
| Reg. Ent. Ref. No. | RN101452167 |
| Facility/Site Region | 1-Amarillo |
| Major/Minor Source | Minor |

| | | | |
|--|---------------------|------------------------------|--------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 63391 | No. of Violations | 1 |
| Docket No. | 2022-1637-MLM-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Government/Non-Profit | Yes |
| Multi-Media | Public Water Supply | Enf. Coordinator | Wyatt Throm |
| | | EC's Team | Enforcement Team 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$25,000 |

Penalty Calculation Section

| | | |
|---|-------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$3,750 |
|---|-------------------|---------|

| | |
|--|--|
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. | |

| | | | |
|---------------------------|-----------------|--------------------------------|-----|
| Compliance History | 0.0% Adjustment | Subtotals 2, 3, & 7 | \$0 |
|---------------------------|-----------------|--------------------------------|-----|

Notes: No adjustment for compliance history.

| | | | | |
|--------------------|----|------------------|-------------------|-----|
| 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: \$1,290
 Estimated Cost of Compliance: \$10,000
 *Capped at the Total EB \$ Amount

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$3,750 |
|-----------------------------|-----------------------|---------|

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

| | |
|-----------------------------|---------|
| Final Penalty Amount | \$3,750 |
|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$3,750 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|-------|-----------|-------------------|--------|
| DEFERRAL | 20.0% | Reduction | Adjustment | -\$750 |
|-----------------|-------|-----------|-------------------|--------|

Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$3,000 |
|------------------------|---------|

Screening Date 5-Dec-2022

Docket No. 2022-1637-MLM-E

PCW

Respondent Mackenzie Municipal Water Authority (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63391

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101452167

Media Water Quality

Enf. Coordinator Wyatt Throm

Compliance History Worksheet

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

| Component | Number of... | Number | Adjust. |
|-------------------------------|--|--------|---------|
| NOVs | Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission | 0 | 0% |
| Judgments and Consent Decrees | Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>) | 0 | 0% |
| | Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government | 0 | 0% |
| Convictions | Any criminal convictions of this state or the federal government (<i>number of counts</i>) | 0 | 0% |
| Emissions | Chronic excessive emissions events (<i>number of events</i>) | 0 | 0% |
| Audits | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>) | 0 | 0% |
| | Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>) | 0 | 0% |
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 0%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

No adjustment for compliance history.

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

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 0%

Screening Date 5-Dec-2022

Docket No. 2022-1637-MLM-E

PCW

Respondent Mackenzie Municipal Water Authority (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63391

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101452167

Media Water Quality

Enf. Coordinator Wyatt Throm

Violation Number 1

Rule Cite(s)

Tex. Water Code § 26.121(a)(1)

Violation Description

Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state. Specifically, the backwash pond at the water treatment plant had overflowed and discharged wastewater off the plant property.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | x |
| Potential | | | |

Percent 15.0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | | | |

Percent 0.0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of wastewater that do not exceed levels that are protective of human health or environmental receptors

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1

26 Number of violation days

| | |
|--------------|---|
| daily | |
| weekly | |
| monthly | |
| quarterly | x |
| semiannual | |
| annual | |
| single event | |

Violation Base Penalty \$3,750

One quarterly event is recommended, calculated from the record review date, November 9, 2022, to the date of screening, December 5, 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 \$3,750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,290

Violation Final Penalty Total \$3,750

This violation Final Assessed Penalty (adjusted for limits) \$3,750

Economic Benefit Worksheet

Respondent Mackenzie Municipal Water Authority (PCW No. 2 of 2)
Case ID No. 63391
Reg. Ent. Reference No. RN101452167
Media Water Quality
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 | \$5,000 | 1-Mar-2022 | 28-Sep-2024 | 2.58 | \$645 | n/a | \$645 |
| Other (as needed) | \$5,000 | 1-Mar-2022 | 28-Sep-2024 | 2.58 | \$645 | n/a | \$645 |

Notes for DELAYED costs

The Permit delayed cost includes the estimated amount to obtain authorization for the discharge of wastewater from the backwash pond, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

The delayed cost includes the estimated amount to cease the unauthorized discharge from the Facility and dispose of it at an authorized facility, 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

\$10,000

TOTAL

\$1,290



Compliance History Report

Compliance History Report for CN600639058, RN101452167, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

| | | | |
|---|--|---------------------------------------|--------------------|
| Customer, Respondent, or Owner/Operator: | CN600639058, Mackenzie Municipal Water Authority | Classification: NOT APPLICABLE | Rating: N/A |
| Regulated Entity: | RN101452167, MACKENZIE MUNICIPAL WATER AUTHORITY | Classification: NOT APPLICABLE | Rating: N/A |
| Complexity Points: | N/A | Repeat Violator: | N/A |
| CH Group: | 14 - Other | | |
| Location: | 141 SOUTH MACKENZIE ROAD IN SILVERTON, BRISCOE COUNTY, TEXAS | | |
| TCEQ Region: | REGION 01 - AMARILLO | | |
| ID Number(s): | PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0230004 | | |

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023

Date Compliance History Report Prepared: March 22, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 22, 2019 to March 22, 2024

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

Name: EPI VILLARREAL

Phone: (361) 881-6991

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

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

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

N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):
N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOV's Issued During Component Period 3/22/2019 and 3/22/2024

| | | | | | |
|---|--------------|--|-----------|-----------------|----------|
| 1 | Date: | 08/23/2019 | (1552307) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B) The facility failed to calibrate the system benchtop and on-line turbidimeters with primary standards at least once every 90 days. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C) The facility failed to verify the accuracy of chemical disinfectant residual analyzers. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(z) The facility failed to create a Nitrification Action Plan (NAP) for the system. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(B) The facility failed to employ at least two operators; one of the required operators must hold a Class "B" or higher surface water license and the other required operator must hold a Class "C" or higher surface water license. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(m) The facility failed to maintain the backflow valve at the Raw Water Pump Station in good working condition. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(m)(6) 30 TAC Chapter 290, SubChapter D 290.46(m)(7) The facility failed to maintain the system pumps and motors at each of the system pump stations in good working condition. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.46(s)(1) The facility failed to calibrate flow measuring devices and rate of flow controllers at the surface water treatment plant at least once every 12 months. | | | |
| 2 | Date: | 05/18/2022 | (1797519) | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(A) Failure to provide vacuum breakers on each hose bibb within the plant facility. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.42(d)(5) Failure to provide a flow measuring device to measure the recycled decant water. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.42(d)(13) Failure to provide compliant labeling of influent, effluent, waste backwash, and chemical feed lines. | | | |
| | Self Report? | NO | | Classification: | Moderate |
| | Citation: | | | | |
| | Description: | 30 TAC Chapter 290, SubChapter D 290.42(d)(3)(A) | | | |

Compliance History Report for CN600639058, RN101452167, Rating Year 2023 which includes Compliance History (CH) components from March 22, 2019, through March 22, 2024.

Description: Failure to return the spent backwash water upstream of the raw water sample tap.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)

Description: Failure to provide adequate containment for the alum tank.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)

Description: Failure to provide an intruder resistant fence around the water treatment plant.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

Description: Failure to provide a 16-mesh or finer corrosion-resistant screen for the roof vent on the 0.140 MG clearwell at the water treatment plant.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)

Description: Failure to provide an air gap or other acceptable backflow prevention device on chemical feed solution make up water lines.

Self Report? NO Classification: Moderate

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

Description: Failure to maintain the good working condition of facilities and failure to maintain facilities in a manner so as to minimize the possibility of contamination.

Self Report? NO Classification: Moderate

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

Description: Failure to conduct inspections annually on each of the system's ground, elevated, and pressure tanks.

Self Report? NO Classification: Moderate

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

Description: Failure to calibrate the flow measuring devices at least once every twelve months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iv)

Description: Failure to maintain calibration records for the laboratory equipment.

Self Report? NO Classification: Moderate

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

Description: Failure to provide a current system ownership sign at each of its production, treatment, and storage facilities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(6)

Description: The facility failed to maintain an RTCR Sample Siting Plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(1)(A)

Description: Failure to collect routine distribution coliform samples at sampling locations which are representative of water quality throughout the distribution system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure to verify the accuracy of the manual disinfectant residual analyzer using chlorine solutions of known concentrations at least once every 90 days.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(3)(C)

Description: Failure to continuously monitor the filtered water turbidity at the effluent of

each individual filter and record the turbidity value every 15 minutes.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain a monitoring plan which contains all monitoring plan requirements.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(vi)

Description: Failure to provide an atmospheric vacuum breaker or a reduced pressure principle backflow assembly in the supply line for the surface filter wash system.

Self Report? NO Classification: Moderate

Citation:

2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Description: Failure to obtain authorization to discharge wastewater into or adjacent to water in the state.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(1)(A)

Description: Failure to continuously monitor and record the disinfectant residual of the water at each entry point.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(4)(C)

Description: Failure to monitor the disinfectant residual at least once per day at representative locations throughout the distribution system.

* NOVs applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period March 22, 2019 and March 22, 2024

| | | |
|--------|---------------------|-----------|
| Item 1 | August 26, 2019** | (1552307) |
| Item 2 | January 29, 2020** | (1611918) |
| Item 3 | July 29, 2022** | (1376338) |
| Item 4 | October 12, 2022** | (1846745) |
| Item 5 | November 23, 2022** | (1855283) |

* 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



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MACKENZIE MUNICIPAL WATER
AUTHORITY
RN101452167

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-1637-MLM-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 Mackenzie Municipal Water Authority (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE chs. 7 and 26. 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 141 South Mackenzie Road in Silvertown, Briscoe County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 4,619 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). The Facility is near or adjacent to water in the state as defined in TEX. WATER CODE § 26.001(5).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073 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, TEX. WATER CODE ch. 26, 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 \$18,250 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$3,650 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$14,600 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 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.

5. 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.
6. 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.
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. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. On December 26, 2022, conducted the inspections of the Facility's ground storage tanks ("GSTs");
 - b. On May 17, 2023, provided an updated chemical and microbiological monitoring plan;
 - c. On August 2, 2023, provided the chlorine gas and alum make-up water supply lines with an acceptable backflow prevention device; and
 - d. On July 29, 2025:
 - i. Provided a flow-measuring device to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant;
 - ii. Provided adequate containment facilities for all liquid chemical storage tanks;
 - iii. Cleared the sludge from the backwash pond, removed the soil from the filter gallery, and fixed the filter buildings foundation;
 - iv. Began maintaining water works operation and maintenance records including calibration records for the benchtop turbidimeter, pH meter, online disinfectant residual analyzer, and manual disinfectant residual analyzer;

- v. Began verifying the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations;
- vi. Began continuously monitoring the filtered water turbidity at the effluent of each individual filter and recording the turbidity value every 15 minutes;
- vii. Began continuously monitoring and recording the disinfectant residual of the water entering the distribution system; and
- viii. Started monitoring the disinfectant residual at representative locations throughout the distribution system.

II. ALLEGATIONS

During a record review for the Facility conducted on November 9, 2022, an investigator documented that the Respondent:

1. Failed to provide a flow-measuring device to measure the raw water supplied to the plant, the recycled decant water, the treated water used to backwash the filters, and the treated water discharged from the plant, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(5). Specifically, there was no flow-measuring device to measure the recycled decant water.
2. Failed to return spent backwash water upstream of the raw water sample tap, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(3)(A). Specifically, the spent backwash water is returned before the flash mix, which is downstream of the raw water sample tap location.
3. Failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii). Specifically, the alum tank did not have any containment facilities.
4. Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(C). Specifically, the chlorine gas make-up line was only provided with a single check valve and the alum make-up line was not provided with an air gap or an acceptable backflow prevention device.
5. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m). Specifically, the backwash pond contained mounds of sludge which reduced the capacity of the pond and contributed to an unauthorized discharge, the filter gallery contained an extensive amount of soil which buried several of the pipes in the filter gallery, and the filter building foundation had gaps which allow soil to wash into the pipe gallery.
6. Failed to inspect the Facility's GSTs annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A). Specifically, the Tulia and County Line GSTs were not inspected in 2019, the Lockney GST was not inspected in 2019 or 2021, and the clearwell at the treatment plant had not been inspected at all.

7. Failed to calibrate the Facility's flow measuring devices at least once every 12 months, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1). Specifically, the raw, finished, and backwash flow measuring devices had not been calibrated since 2019.
8. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(B)(iv). Specifically, the benchtop turbidimeter, pH meter, online disinfectant residual analyzer, and manual disinfectant residual analyzer were not maintained on-site for review.
9. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i). Specifically, the Respondent was verifying the low range and not the high range of the manual disinfectant residual analyzer while recording disinfectant residuals measured using the high range setting. Additionally, a chlorine solution of known concentrations for the low range, which had expired in 2020, was being used for verification of accuracy.
10. 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 public water system will use to comply with the monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b). Specifically, the monitoring plan only identified some sampling locations, partially described the sampling frequency for all monitoring, and did not specify the analytical procedures and laboratories that the public water system used to comply with the monitoring plan requirements.
11. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(C). Specifically, the disinfectant residual was being monitored once per week at the GSTs.
12. Failed to continuously monitor and record the disinfectant residual of the water entering the distribution system at each entry point, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(1)(A). Specifically, the disinfectant residual was not continuously monitored and recorded at the entry point and only grab samples were being collected.
13. Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity value every 15 minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(3)(C). Specifically, there were online turbidimeters installed for measuring the individual filter effluent, however, the Respondent was collecting grab samples to conduct individual filter effluent monitoring.
14. Failed to prevent an unauthorized discharge of wastewater into or adjacent to any water in the state, in violation of TEX. WATER CODE § 26.121(a)(1). Specifically, the backwash pond at the water treatment plant had overflowed and discharged wastewater off the plant property.

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: Mackenzie Municipal Water Authority, Docket No. 2022-1637-MLM-E" to:

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

2. The Respondent shall implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$14,600 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment
3. The Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, cease the unauthorized discharge of wastewater from the backwash pond, in accordance with TEX. WATER CODE § 26.121.
 - b. Within 30 days after the effective date of this Order, provide a flow measuring device to measure the recycled decant water, in accordance with 30 TEX. ADMIN. CODE § 290.42.
 - c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a and 3.b.
 - d. Within 90 days after the effective date of this Order, return the spent backwash water to the raw waterline upstream of the raw water sample tap or obtain approval for the raw water sampling tap before the recycle stream, in accordance with 30 TEX. ADMIN. CODE § 290.42.
 - e. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include

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

- f. Within 180 days after the effective date of this Order, submit an administratively complete permit application for the discharge of wastewater from the backwash pond to, in accordance with 30 TEX. ADMIN. CODE § 305.42 and TEX. WATER CODE § 26.121:

Wastewater Permits Section
Water Quality Division, MC 148
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

- g. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.i below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.f.
- h. Within 270 days after the effective date of this Order, obtain approval of the permit application for the discharge of backwash wastewater, in accordance with 30 TEX. ADMIN. CODE § 305.42 and TEX. WATER CODE § 26.121.
- i. Within 285 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.h. 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
Amarillo Regional Office
Texas Commission on Environmental Quality
3918 Canyon Drive
Amarillo, Texas 79109-4933

4. All relief not expressly granted in this Order is denied.
5. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Krista Mello-Jurack

For the Executive Director

01/25/2026

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.

Jessica Shelton

Signature

11/3/2025

Date

Jessica Shelton

Name (Printed or typed)
Authorized Representative of
Mackenzie Municipal Water Authority

General Manager

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: 2022-1637-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|---------------------------|-------------------------------------|
| Respondent: | Mackenzie Municipal Water Authority |
| Penalty Amount: | \$14,600 |
| SEP Offset Amount: | \$14,600 |
| Type of SEP: | Compliance |
| Project Name: | <i>SCADA Improvements</i> |
| Location of SEP: | Briscoe County |

The Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) agrees to offset 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 purchase and install a supervisory control and data acquisition (“SCADA”) system for more consistent and accessible monitoring at the Facility. Specifically, the SEP Offset Amount was used for materials, supplies, and equipment for a SCADA system (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 provide a discernible environmental benefit by integrating real-time monitoring and enabling operators to remotely oversee and control various processes such as pumping, filtration, chemical dosing, and distribution. This capability ensures rapid response to any deviations or emergencies, thereby minimizing downtime and optimizing resource utilization. Additionally, SCADA systems aid in optimizing operational parameters, enhancing water quality, and ensuring safe drinking water.

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 |
|--------------|------------------|
| SCADA System | \$119,589 |
| Total | \$119,589 |

2. Records

As of June 8, 2024, 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 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.