

Executive Summary – Enforcement Matter – Case No. 63738
Klondike Independent School District
RN101455699
Docket No. 2023-0423-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Klondike ISD, 2911 County Road H, Lamesa, Dawson County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: September 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,968

Total Paid to General Revenue: \$4,968

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: January 30, 2023 through February 17, 2023

Date(s) of NOE(s): February 17, 2023

**Executive Summary – Enforcement Matter – Case No. 63738
Klondike Independent School District
RN101455699
Docket No. 2023-0423-PWS-E**

Violation Information

Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director [30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By July 28, 2023, the Respondent collected water quality parameter samples at each of the Facility's required distribution sample sites, had the samples analyzed, and reported the results to the Executive Director.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Steve McLaren, Superintendent, Klondike Independent School District, 2911 County Road H, Lamesa, Texas 79331

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Feb-2023	Screening	13-Mar-2023	EPA Due	
	PCW	17-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Klondike Independent School District (PCW No. 1 of 2)				
Reg. Ent. Ref. No.	RN101455699				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	63738	No. of Violations	1
Docket No.	2023-0423-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ronica Rodriguez
		EC's Team	5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$105
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Notes	Enhancement for one NOV with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$525
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$9	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$320	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,830
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
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Final Penalty Amount	\$4,830
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,830
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.			
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PAYABLE PENALTY	\$4,830
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Screening Date	13-Mar-2023	Docket No.	2023-0423-PWS-E	PCW
Respondent	Klondike Independent School District (PCW No. 1 of 2)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	63738			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101455699			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			

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	1	2%
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date	13-Mar-2023	Docket No.	2023-0423-PWS-E	PCW
Respondent	Klondike Independent School District (PCW No. 1 of 2)		Policy Revision 5 (January 28, 2021)	
Case ID No.	63738	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN101455699			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(e)(2), (h), and (i)(3)			
Violation Description	Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, January 1, 2021 through June 30, 2021, July 1, 2021 through December 31, 2021, January 1, 2022 through June 30, 2022, and July 1, 2022 through December 31, 2022 monitoring periods.			
			Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
				Percent 0.0%

Matrix Notes	Failure to conduct water quality parameter sampling could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.
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Adjustment \$4,250

\$750

Violation Events

Number of Violation Events	7	Number of violation days	1167
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daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$5,250

Seven single events are recommended, one for each monitoring period.

Good Faith Efforts to Comply

	10.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		
Notes	The Respondent achieved compliance on July 28, 2023.	

Reduction \$525

Violation Subtotal \$4,725

Economic Benefit (EB) for this violation

Estimated EB Amount	\$9	Statutory Limit Test
		Violation Final Penalty Total \$4,830
		This violation Final Assessed Penalty (adjusted for limits) \$4,830

Economic Benefit Worksheet

Respondent Klondike Independent School District (PCW No. 1 of 2)
Case ID No. 63738
Reg. Ent. Reference No. RN101455699
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$320	31-Dec-2022	28-Jul-2023	0.57	\$9	n/a	\$9
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 collect all required water quality parameter samples [\$20 per sample x one missed sample x (one entry point + one distribution sample site) x eight monitoring periods], calculated from the last day of the monitoring period of non-compliance 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
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$320

TOTAL

\$9



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	21-Feb-2023	Screening	13-Mar-2023	EPA Due	
	PCW	17-Aug-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Klondike Independent School District (PCW No. 2 of 2)				
Reg. Ent. Ref. No.	RN101455699				
Facility/Site Region	7-Midland	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	63738	No. of Violations	1
Docket No.	2023-0423-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ronica Rodriguez Scott
		EC's Team	5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$150
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$3
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Notes	Enhancement for one NOV with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$15
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$0	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$0	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$138
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		
	Final Penalty Amount	\$138

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$138
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$138
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Screening Date 13-Mar-2023

Docket No. 2023-0423-PWS-E

PCW

Respondent Klondike Independent School District (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63738

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101455699

Media Public Water Supply

Enf. Coordinator Ronica Rodriguez Scott

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	1	2%
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance
History
Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date 13-Mar-2023

Docket No. 2023-0423-PWS-E

PCW

Respondent Klondike Independent School District (PCW No. 2 of 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 63738

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101455699

Media Public Water Supply

Enf. Coordinator Ronica Rodriguez Scott

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.117(e)(2), (h), and (i)(3)

Violation Description

Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm	
Release	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to conduct water quality parameter sampling could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

1351 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$15

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on July 28, 2023.

Violation Subtotal \$135

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$138

This violation Final Assessed Penalty (adjusted for limits) \$138

Economic Benefit Worksheet

Respondent Klondike Independent School District (PCW No. 2 of 2)
Case ID No. 63738
Reg. Ent. Reference No. RN101455699
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost including the estimated amount to collect all required water quality parameter samples is captured in the Economic Benefit Worksheet for Violation No. 1, PCW No. 1.						

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	\$0	TOTAL	\$0
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Compliance History Report

Compliance History Report for CN600637755, RN101455699, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600637755, Klondike Independent School District
Classification: UNCLASSIFIED
Rating: -----

Regulated Entity: RN101455699, KLONDIKE ISD
Classification: UNCLASSIFIED
Rating: -----

Complexity Points: 2
Repeat Violator: NO

CH Group: 14 - Other

Location: 2911 COUNTY ROAD H NEAR LAMESA, DAWSON COUNTY, TEXAS

TCEQ Region: REGION 07 - MIDLAND

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0580025
PETROLEUM STORAGE TANK REGISTRATION 78161
WASTEWATER PERMIT 2E0000213

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

Date Compliance History Report Prepared: July 22, 2024

Agency Decision Requiring Compliance History: Enforcement

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

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ronica Rodriguez Scott
Phone: (361) 881-6990

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- 1 Date: 11/29/2023 (1931108)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
- Description: 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 TAC 290.46(s)(2)(C)(i).
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)
- Description: Failure to maintain water works operations 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)(3)(E)(ix). Specifically, the facility did not have records of Sample Siting Plans and chemical and microbiological monitoring plans.

Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(I)		
Description:	Failure to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(I). Specifically, a drainpipe was allowing surface water to pond around the wellhead.		

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

Appendix A
All NOV's Issued During Component Period 7/22/2019 and 7/22/2024

All NOV's Issued During Component Period 7/22/2019 and 7/22/2024

- 3

6	<p>Date: 03/19/2021 (1762250)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)</p> <p>Description: LCR RT MR 2nd 6M2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2020 to 12/31/2020 within the required timeline.</p>
7	<p>Date: 03/22/2021 (1762250)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)</p> <p>Description: LCR WQP MR 2nd 6M2020 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 2nd 6M2020 monitoring period at entry point location 2911 CR H; Lamesa (EP002) and the distribution system.</p>
8	<p>Date: 08/05/2021 (1738817)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 30, SubChapter K 30.381(b)</p> <p>Description: Failure to employ an operator with a Class "D" license or higher as per 30 TAC §290.46 (e)(4)(A). At the time of the investigation the water operators license was expired as of June 1, 2021 (See Electronic Attachment: Justin White WO0042187).</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 290, SubChapter D 290.46(e)(2)(D)</p> <p>Description: Failure to employ an operator with that have successfully completed at least one executive director-approved training course or event specific to the operations and maintenance of reverse osmosis or nanofiltration membrane treatment as per 30 TAC §290.46 (e)(2)(D). At the time of the investigation, the operator Mr. White had not obtained the approved training course to the operations and maintenance of reverse osmosis or nanofiltration membrane treatment.</p>
9	<p>Date: 08/19/2021 (1762250)</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(1)</p> <p>Description: LCR RT MR 1st 6M2021 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2021 to 06/30/2021 within the required timeline.</p> <p>Self Report? NO Classification: Moderate</p> <p>Citation:</p> <p>30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)</p> <p>Description: LCR WQP MR 1st 6M2021 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the 1st 6M2021 monitoring period at entry point location 2911 CR H; Lamesa (EP002) and the distribution system.</p>
10	<p>Date: 03/03/2022 (1874997)</p>

	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)		
	Description:	LCR WQP MR 2nd 6M2021 - The system failed to monitor for water quality parameters in accordance with TCEQ rules during the 2nd 6M2021 at entry point location 2911 CR H; Lamesa (EP002) and/or the distribution system. ETT Point Value = 1 Normal Monitoring		
11	Date:	08/15/2022 (1874997)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)		
	Description:	LCR WQP MR 1st 6M2022 - The system failed to monitor for water quality parameters in accordance with TCEQ rules during the 1st 6M2022 at entry point location 2911 CR H; Lamesa (EP002) and/or the distribution system. ETT Point Value = 1 Normal Monitoring		
12*	Date:	01/25/2023 (1874997)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)		
	Description:	LCR WQP MR 2nd 6M2022 - The system failed to monitor for water quality parameters in accordance with TCEQ rules during the 2nd 6M2022 at entry point location 2911 CR H; Lamesa (EP002) and/or the distribution system. ETT Point Value = 1 Normal Monitoring		
13	Date:	11/29/2023 (1931108)		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)		
	Description:	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 TAC 290.46(s)(2)(C)(i).		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(ix)		
	Description:	Failure to maintain water works operations 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)(3)(E)(ix). Specifically, the facility did not have records of Sample Siting Plans and chemical and microbiological monitoring plans.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(I)		
	Description:	Failure to fine grade the well site so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure that surface water will drain away from the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(I). Specifically, a drainpipe was allowing surface water to pond around the wellhead.		

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

Appendix B

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

Item 1	August 05, 2021**	(1738817)
Item 2	September 15, 2021**	(1762250)
Item 3	September 17, 2021**	(1762714)

Item 4	September 30, 2021**	(1763420)
Item 5	February 16, 2023**	(1874997)
Item 6	February 17, 2023**	(1879757)
Item 7	November 28, 2023	(1931108)

* 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
KLONDIKE INDEPENDENT SCHOOL
DISTRICT
RN101455699

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

AGREED ORDER DOCKET NO. 2023-0423-PWS-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2911 County Road H near Lamesa, Dawson County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 15 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility on January 30, 2023 through February 17, 2023, an investigator documented that the Respondent did not conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019, July 1, 2019 through December 31, 2019, January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, January 1, 2021 through June 30, 2021, July 1, 2021 through December 31, 2021, January 1, 2022 through June 30, 2022, and July 1, 2022 through December 31, 2022 monitoring periods.

3. The Executive Director recognizes that by July 28, 2023, the Respondent collected water quality parameter samples at each of the Facility's required distribution sample sites, had the samples analyzed, and reported the results to the Executive Director.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$4,968 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$4,968 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Klondike Independent School District, Docket No. 2023-0423-PWS-E" to:

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

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

4. 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.
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 in this Order.
6. 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.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

11/8/2024

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

8/12/2024

Date

Steve McLaren

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

Superintendent

Title

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

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