

Executive Summary – Enforcement Matter – Case No. 64410

City of Paint Rock

RN101451730

Docket No. 2023-1010-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

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

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

City of Paint Rock PWS, 174 East San Saba Street, Paint Rock, Concho 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: March 15, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,750

Total Paid to General Revenue: \$4,750

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

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: July 17, 2023 through July 28, 2023

Date(s) of NOE(s): July 28, 2023

Executive Summary – Enforcement Matter – Case No. 64410
City of Paint Rock
RN101451730
Docket No. 2023-1010-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By August 24, 2023, the Respondent returned to compliance with the maximum contaminant level of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average.

Technical Requirements:

N/A

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Rachel Vulk, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-6730; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: The Honorable Francis Maupin, Mayor, City of Paint Rock, P.O. Box 157, Paint Rock, Texas 76866-0157

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	31-Jul-2023			
	PCW	31-Jul-2023	Screening	1-Aug-2023	EPA Due 31-Mar-2023

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Paint Rock				
Reg. Ent. Ref. No.	RN101451730				
Facility/Site Region	8-San Angelo	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	64410	No. of Violations	1		
Docket No.	2023-1010-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Rachel Vulk		
		EC's Team	Enforcement Team 4		
Admin. Penalty \$ Limit	Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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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	100.0%	Adjustment	Subtotals 2, 3, & 7	\$2,500
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Notes: Enhancement for two NOV's with same/similar violations, four administrative orders with denial of liability and one administrative order without denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$250
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$403
 Estimated Cost of Compliance \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,750
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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	\$4,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,750
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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.

PAYABLE PENALTY	\$4,750
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Screening Date 1-Aug-2023

Docket No. 2023-1010-PWS-E

PCW

Respondent City of Paint Rock

Policy Revision 5 (January 28, 2021)

Case ID No. 64410

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101451730

Media Public Water Supply

Enf. Coordinator Rachel Vulk

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	4	80%
	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	1	25%
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) 115%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with same/similar violations, four administrative orders with denial of liability and one administrative order without denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 115%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date	1-Aug-2023	Docket No.	2023-1010-PWS-E	PCW
Respondent	City of Paint Rock			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64410			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101451730			
Media	Public Water Supply			
Enf. Coordinator	Rachel Vulk			

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 checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="25.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<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 checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" 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 City of Paint Rock
Case ID No. 64410
Reg. Ent. Reference No. RN101451730
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)	\$5,000	30-Jun-2022	24-Aug-2023	1.15	\$19	\$384	\$403
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for HAA5, calculated from the last day of the first quarter of noncompliance 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

\$5,000

TOTAL

\$403



Compliance History Report

Compliance History Report for CN600628531, RN101451730, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600628531, City of Paint Rock	Classification:	SATISFACTORY	Rating:	45.00
Regulated Entity:	RN101451730, CITY OF PAINT ROCK	Classification:	SATISFACTORY	Rating:	45.00
Complexity Points:	0	Repeat Violator:	NO		
CH Group:	14 - Other				
Location:	174 EAST SAN SABA STREET IN PAINT ROCK, CONCHO COUNTY, TEXAS				
TCEQ Region:	REGION 08 - SAN ANGELO				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	0480012				
Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	January 18, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 18, 2019 to January 18, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Rachel Vulk		Phone:	(512) 239-6730	

Site and Owner/Operator History:

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

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

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

- | | | |
|---|---|--|
| 1 | Effective Date: 02/26/2019 | ADMINORDER 2018-0836-PWS-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2) | |
| | Description: Failure to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. | |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i) | |
| | Description: Failure to maintain water works operation and maintenance records and make them readily available for review by Commission personnel during the investigation. Specifically, numerous records of microbiological analyses for the last five years were not available for review. | |
| | Classification: Major | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
5A THSC Chapter 341, SubChapter A 341.033(a) | |
| | Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, an unlicensed individual had been conducting distribution disinfectant residual sampling. | |
| 2 | Effective Date: 12/29/2020 | ADMINORDER 2020-0536-PWS-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1) | |

Description: Failure to issue boil water notices as required.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(6)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide required information to the executive director prior to rescinding a Boil Water Notice (BWN).

3 Effective Date: 05/25/2021 ADMINORDER 2020-0653-IHW-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 325, SubChapter A 325.2(b)(2)
40 CFR Chapter 370, SubChapter J, PT 370, SubPT C 370.45(a)

Description: Failure to submit an annual form and pay the appropriate filing fee no later than March 1 of each year.

4 Effective Date: 01/27/2022 ADMINORDER 2020-1398-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16-inch.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)
30 TAC Chapter 290, SubChapter F 290.110(f)(1)(A)

Description: Failure to include all samples collected at sites designated in the monitoring plan as microbiological and residual monitoring sites in the compliance determination calculations.

Classification: Moderate

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

Description: Failure to maintain a thorough and up-to-date plant operations manual for operator review and reference.

Classification: Moderate

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

Description: Failure to inspect the Facility's clearwell annually.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 3Q2020 During the 3rd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.128 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 2Q2020 During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.142 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM OEL Reporting 2Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM OEL Reporting 1Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM OEL Reporting 4Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM OEL Reporting 3Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
 Description: DBP2 TTHM OEL Reporting 2Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2020 within the required timeline.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 4Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2019 within the required timeline.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 3Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2019 within the required timeline.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2019 within the required timeline.
 Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2019 within the required timeline.

5 Effective Date: 10/04/2022 ADMINORDER 2021-1602-PWS-E (1660 Order-Agreed Order With Denial)
 Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
 Description: Failure to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, disinfectant residual samples were only collected on the 13th and 24th in September 2021 and not again until October 21, 2021.
 Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A)
 5A THSC Chapter 341, SubChapter A 341.033(a)
 Description: Failure to operate the Facility under the direct supervision of a water works operator who holds a Class "D" or higher license.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 28, 2022	(1782445)
Item 2	February 03, 2022	(1783282)

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: 03/23/2023 (1917123)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: HAA5 LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

2 Date: 05/12/2023 (1917123)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

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 1/18/2019 and 1/18/2024

1	Date:	09/06/2019	(1684794)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)			
	Description:	DLQOR MR 1Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2019 within the required timeline.			
2	Date:	10/31/2019	(1597347)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 325, SubChapter A 325.2(b)(2) 40 CFR Chapter 370, SubChapter J, PT 370, SubPT C 370.45(a)			
	Description:	Failure to submit an annual form and pay the appropriate filing fee no later than March 1 of each year.			
3	Date:	11/12/2019	(1596507)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(m) 30 TAC Chapter 290, SubChapter D 290.43(e)			
	Description:	Failure to lock a gate when the water treatment plant is unattended.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)			
	Description:	Failure to maintain the Facility's storage tanks in strict accordance with current American Water Works Association ("AWWA") standards with an overflow that terminates downward with a gravity-hinged and weighted cover fitted with no gap over 1/16-inch.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(l)			
	Description:	Failure to flush all dead-end mains every month.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(n) 30 TAC Chapter 290, SubChapter D 290.46(n)(1)			
	Description:	Failure to maintain as-built plans.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter F 290.110(e) 30 TAC Chapter 290, SubChapter F 290.110(f)(1)(A)			
	Description:	Failure to include all samples collected at sites designated in the monitoring plan as microbiological and residual monitoring sites in the compliance determination calculations.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)			
	Description:	Failure to maintain a thorough and up-to-date plant operations manual for operator review and reference.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)			
	Description:	Failure to inspect the Facility's clearwell annually.			
	Self Report?	NO		Classification:	Moderate
	Citation:				

Description: 30 TAC Chapter 290, SubChapter D 290.46(i)
Failure to prohibit the use of solder or flux containing more than 0.2% lead.

4 Date: 12/13/2019 (1684794)

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
DBP2 TTHM OEL Reporting 3Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
DBP2 TTHM OEL Reporting 2Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

5 Date: 02/24/2020 (1684794)

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
DLQOR MR 4Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2019 within the required timeline.

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
DLQOR MR 3Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2019 within the required timeline.

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
DLQOR MR 2Q2019 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 2nd quarter of 2019 within the required timeline.

6 Date: 04/13/2020 (1684794)

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
DBP2 TTHM OEL Reporting 4Q2019 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

7 Date: 06/10/2020 (1684794)

Self Report? NO Classification: Moderate

Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
DBP2 TTHM OEL Reporting 1Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

8 Date: 06/18/2020 (1684794)

Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 2Q2020 During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.142 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).

9 Date: 07/02/2020 (1684794)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2020 within the required timeline.

10 Date: 09/02/2020 (1684794)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 3Q2020 During the 3rd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.128 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01).

11 Date: 10/07/2020 (1684794)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(e)(2)
Description: DBP2 TTHM OEL Reporting 2Q2020 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at Frank Simons HWY 380, Paint Rock (DBP2-01) within the required timeline.

12 Date: 06/01/2022 (1868405)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.064 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

13 Date: 06/08/2022 (1812204)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to conduct a Customer Service Inspection (CSI) to ensure that cross-connections/backflow conditions are not permitted.

14 Date: 08/19/2022 (1868405)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.076 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

15* Date: 12/15/2022 (1868405)
Self Report? NO Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
HAA5 LRAA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.078 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

16* Date: 03/23/2023 (1917123)
Self Report? NO Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
HAA5 LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

17* Date: 05/12/2023 (1917123)
Self Report? NO Classification: Moderate
Citation:
Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
HAA5 LRAA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at Frank Simons HWY 380, Paint Rock (DBP2-01). ETT Point Value = 5

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

Appendix B

All Investigations Conducted During Component Period January 18, 2019 and January 18, 2024

Item 1	March 29, 2019**	(1552023)
Item 2	June 20, 2019**	(1575129)
Item 3	July 18, 2019**	(1579087)
Item 4	August 19, 2019**	(1582614)
Item 5	September 20, 2019**	(1592879)
Item 6	October 30, 2019**	(1602680)
Item 7	October 31, 2019**	(1597347)
Item 8	November 12, 2019**	(1596507)
Item 9	November 27, 2019**	(1604374)
Item 10	February 28, 2020**	(1630877)
Item 11	March 31, 2020**	(1637653)
Item 12	May 01, 2020**	(1645216)
Item 13	May 08, 2020**	(1645212)
Item 14	June 19, 2020**	(1653013)
Item 15	October 23, 2020**	(1670967)
Item 16	October 26, 2020**	(1684794)
Item 17	October 30, 2020**	(1685126)
Item 18	March 08, 2021**	(1699073)
Item 19	December 10, 2021**	(1764670)
Item 20*	January 28, 2022**	(1782445)
Item 21*	February 03, 2022**	(1783282)
Item 22	June 08, 2022**	(1812204)
Item 23	January 11, 2023**	(1868405)
Item 24	July 26, 2023**	(1917123)
Item 25	July 28, 2023**	(1917353)

* 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
CITY OF PAINT ROCK
RN101451730

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY
§

AGREED ORDER DOCKET NO. 2023-1010-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Paint Rock (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 174 East San Saba Street in Paint Rock, Concho County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 143 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on July 17, 2023 through July 28, 2023, an investigator documented that the locational running annual average concentrations of total haloacetic acids ("HAA5") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.064 milligrams per liter ("mg/L") for the second quarter of 2022, 0.076 mg/L for the third quarter of 2022, 0.078 mg/L for the fourth quarter of 2022, 0.069 mg/L for the first quarter of 2023, and 0.069 mg/L for the second quarter of 2023.
3. The Executive Director recognizes that by August 24, 2023, the Respondent returned to compliance with the maximum contaminant level ("MCL") of 0.060 mg/L for HAA5, based on the locational running annual average.

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 comply with the MCL of 0.060 mg/L for HAA5, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
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 \$4,750 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 \$4,750 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: City of Paint Rock, Docket No. 2023-1010-PWS-E" to:

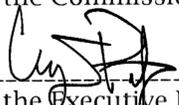
Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

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


For the Executive Director

Date
4/2/2024

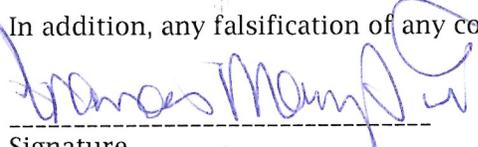
Date

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

2/7/2024

Date

Frances Maupin

Name (Printed or typed)

Mayor

Title

Authorized Representative of
City of Paint Rock

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.