

Executive Summary – Enforcement Matter – Case No. 64793

City of Edmonson

RN101205375

Docket No. 2023-1312-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 Edmondson PWS, 307 West 1st Street, Edmonson, Hale 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: August 16, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,050

Total Paid to General Revenue: \$5,050

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 24, 2023 through September 8, 2023

Date(s) of NOE(s): September 8, 2023

Executive Summary – Enforcement Matter – Case No. 64793

City of Edmonson

RN101205375

Docket No. 2023-1312-PWS-E

Violation Information

1. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to submit a recommendation to the ED for source water treatment within 180 days after the end of the monitoring period during which the lead action level was exceeded [30 TEX. ADMIN. CODE § 290.117(g)(2)(A)].
4. Failed to submit a recommendation to the ED for optimal corrosion control treatment within six months after the end of the monitoring period during which the lead action level was exceeded [30 TEX. ADMIN. CODE § 290.117(f)(3)(A)].
5. Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to submit a DLQOR to the ED by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 3, 2023, the Respondent submitted a DLQOR to the ED by the tenth day of the month.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers; and

ii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to

Executive Summary – Enforcement Matter – Case No. 64793

City of Edmonson

RN101205375

Docket No. 2023-1312-PWS-E

submit a DLQOR to the ED by the tenth day of the month following the end of each quarter for the first quarter of 2022.

b. Within 45 days:

i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data; and

ii. Submit written certification to demonstrate compliance with a.

c. Within 60 days, submit written certification to demonstrate compliance with b.i.

d. Within 180 days:

i. Submit to the ED a source water lead and copper treatment recommendation; and

ii. Submit to the ED an optimal corrosion control treatment recommendation.

e. Within 195 days, submit written certification to demonstrate compliance with d.

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 Sammy Shannon, Mayor, City of Edmonson, P.O. Box 58, Edmonson, Texas, 79032

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	11-Sep-2023			
	PCW	12-Sep-2023	Screening	18-Sep-2023	EPA Due 30-Sep-2023

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Edmonson
Reg. Ent. Ref. No.	RN101205375
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	64793	No. of Violations	5
Docket No.	2023-1312-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	\$4,000
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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	30.0% Adjustment	Subtotals 2, 3, & 7	\$1,200
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Notes: Enhancement for four NOVs with same/similar violations, one agreed order containing a denial of liability, and a reduction for High Performer classification.

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	-\$150
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$414
 Estimated Cost of Compliance: \$2,302
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,050
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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: [Empty box]

Final Penalty Amount	\$5,050
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,050
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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	\$5,050
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Screening Date 18-Sep-2023

Docket No. 2023-1312-PWS-E

PCW

Respondent City of Edmonson

Policy Revision 5 (January 28, 2021)

Case ID No. 64793

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101205375

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>)	4	20%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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) 40%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> **Compliance History Summary**

Compliance History Notes

Enhancement for four NOVs with same/similar violations, one agreed order containing a denial of liability, and a reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 30%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 30%

Screening Date 18-Sep-2023
Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
Media Public Water Supply
Enf. Coordinator Rachel Vulk

Docket No. 2023-1312-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third and fourth quarters of 2022 and the first quarter of 2023.

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			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 3 273 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,500

Three single events are recommended, one per DLQOR missed.

Good Faith Efforts to Comply

10.0%

Reduction \$150

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

Notes The respondent achieved compliance on October 3, 2023.

Violation Subtotal \$1,350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$68

Violation Final Penalty Total \$1,800

This violation Final Assessed Penalty (adjusted for limits) \$1,800

Economic Benefit Worksheet

Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
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

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	\$67	10-Apr-2023	18-Sep-2023	0.44	\$1	\$67	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x three reports) and accrued interest, calculated from the date the report was due for the first quarter of 2023 to the date of screening.

Approx. Cost of Compliance \$67

TOTAL \$68

Screening Date 18-Sep-2023
Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
Media Public Water Supply
Enf. Coordinator Rachel Vulk

Docket No. 2023-1312-PWS-E

PCW

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

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2020 and 2021.

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			10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 2 809 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

Two single events are recommended (one per CCR missed).

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 \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$161

Violation Final Penalty Total \$1,300

This violation Final Assessed Penalty (adjusted for limits) \$1,300

Economic Benefit Worksheet

Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
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
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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)	\$70	1-Jul-2023	28-Dec-2024	1.50	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the most recent CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 40 connections) + \$50)], calculated from the due date of the most recent CCR 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	\$140	1-Jul-2021	18-Sep-2023	2.22	\$16	\$140	\$156
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2020 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 40 connections) + \$50) x two years)], calculated from the due date of the 2020 CCR to the date of screening.

Approx. Cost of Compliance \$210

TOTAL \$161

Screening Date 18-Sep-2023
Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
Media Public Water Supply
Enf. Coordinator Rachel Vulk

Docket No. 2023-1312-PWS-E

PCW

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

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.117(g)(2)(A)

Violation Description Failed to submit a recommendation to the Executive Director for source water treatment within 180 days after the end of the July 1, 2022 through December 31, 2022 monitoring period during which the lead action level was exceeded.

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			10.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 81 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
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
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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)	\$1,000	29-Jun-2023	27-Apr-2025	1.83	\$92	n/a	\$92

Notes for DELAYED costs

The delayed cost includes the estimated amount to submit a source water treatment recommendation, calculated from the date the recommendation was due 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

\$92

Screening Date 18-Sep-2023
Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
Media Public Water Supply
Enf. Coordinator Rachel Vulk

Docket No. 2023-1312-PWS-E

PCW

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

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.117(f)(3)(A)

Violation Description Failed to submit a recommendation to the Executive Director for optimal corrosion control treatment within six months after the end of the July 1, 2022 to December 31, 2022 monitoring period during which the lead action level was exceeded.

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			10.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 80 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$91

Violation Final Penalty Total \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
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
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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)	\$1,000	30-Jun-2023	27-Apr-2025	1.83	\$91	n/a	\$91

Notes for DELAYED costs

The delayed cost includes the estimated amount to submit an optimal corrosion control treatment recommendation, calculated from the date the recommendation was due 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 \$91

Screening Date 18-Sep-2023 **Docket No.** 2023-1312-PWS-E **PCW**
Respondent City of Edmonson *Policy Revision 5 (January 28, 2021)*
Case ID No. 64793 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101205375
Media Public Water Supply
Enf. Coordinator Rachel Vulk

Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)
Violation Description Failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2022.

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			10.0%

Matrix Notes 100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 160 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

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 \$500

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

Estimated EB Amount \$2 **Violation Final Penalty Total** \$650

This violation Final Assessed Penalty (adjusted for limits) \$650

Economic Benefit Worksheet

Respondent City of Edmonson
Case ID No. 64793
Reg. Ent. Reference No. RN101205375
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
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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)	\$25	11-Apr-2023	28-Nov-2024	1.64	\$2	n/a	\$2

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification 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 \$25

TOTAL \$2



Compliance History Report

Compliance History Report for CN600649545, RN101205375, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600649545, City of Edmonson	Classification:	HIGH	Rating:	0.00
Regulated Entity:	RN101205375, CITY OF EDMONSON	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	307 WEST 1ST STREET IN EDMONSON, HALE COUNTY, TEXAS				
TCEQ Region:	REGION 02 - LUBBOCK				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0950015				

Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	April 03, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	April 04, 2019 to April 03, 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: 06/20/2023 | ADMINORDER 2022-1522-UTL-E (1660 Order-Agreed Order With Denial) |
| | Classification: Moderate | |
| | Citation: 2B TWC Chapter 13, SubChapter A 13.1394(b)(2) | |
| | Description: Failure to submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations. As of the date of this investigation, System has not submitted EPP for approval. ETT Point Value = 0. | |

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

- | | | |
|--------|-----------------|-----------|
| Item 1 | August 20, 2019 | (1575126) |
| Item 2 | April 07, 2022 | (1797345) |

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: 05/19/2023 (1925056)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
 30 TAC Chapter 290, SubChapter H 290.274(a)
 30 TAC Chapter 290, SubChapter H 290.274(c)
 Description: CCR 2021 - The system failed to provide the Consumer Confidence Report (CCR) for 2021 to its bill-paying customers and/or the TCEQ by July 1st of the following year. ETT Point Value = 1
- 2 Date: 06/22/2023 (1925056)
 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)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2023 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2023 within the required timeline. ETT Point Value = 1
- 3 Date: 07/19/2023 (1925056)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.122(f)
 Description: DLQOR MR PN 1Q2022 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 1st quarter of 2022. ETT Point Value = 1
- 4 Date: 07/25/2023 (1925056)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(g)(2)(A)
 30 TAC Chapter 290, SubChapter F 290.117(i)(7)
 Description: LCR SOWT - The system failed to submit the Source Water Treatment Recommendation for alternative treatment including ion exchange, reverse osmosis, lime softening, coagulation/filtration, or none from the end of the six-month monitoring period from 07/01/2022 to 12/31/2022 plus 180 days. ETT Point Value = 5;
 Lead and Copper samples collected on a reduced monitoring schedule must be collected during the months of June to September. The end date of this period is September 30th and data is due to
- Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.117(f)(3)
 30 TAC Chapter 290, SubChapter F 290.117(i)(7)
 Description: LCR OCCT 2nd 6M2022- The system failed to submit the Optimal Corrosion Control Treatment (OCCT) Recommendation in accordance with TCEQ rules after exceeding the lead/copper action level during the six-month monitoring period from 07/01/2022 to 12/31/2022 plus six months. ETT Point Value = 5;
 Lead and Copper samples collected on a reduced monitoring schedule must be collected during the months of June to September. The end date of this period is September 30th and data is due to the TCEQ 10 days

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

Component Appendices

Appendix A

All NOVs Issued During Component Period 4/4/2019 and 4/3/2024

1	Date:	11/21/2019	(1605646)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)			
	Description:	Failure to obtain sanitary control easements.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)			
	Description:	Failure to provide a flow measuring device for the emergency well (well #1).			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.43(d)(2)			
	Description:	Failure to provide a pressure gauge on the 0.003 million-gallon (MG) hydropneumatic pressure tank (PT).			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)			
	Description:	Failure to calibrate the well flow meter every three years.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter F 290.121(a)			
	Description:	Failure to maintain an up-to-date monitoring plan.			
2	Date:	09/30/2021	(1925056)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)			
	Description:	CCR 2020 - The system failed to provide the Consumer Confidence Report (CCR) for 2020 to its bill-paying customers and/or the TCEQ by July 1st of the following year. ETT Point Value = 1			
3*	Date:	12/07/2022	(1925056)		
	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)(2) 30 TAC Chapter 290, SubChapter F 290.110(f)(3)			
	Description:	DLQOR MR 3Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2022 within the required timeline. ETT Point Value = 1			
4*	Date:	02/13/2023	(1855665)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)			
	Description:	Failure to provide a working flow-measuring device for well #2.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)			
	Description:	Failure to maintain a plant operations manual.			
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 288, SubChapter B 288.20			

Description: Failure to maintain a drought contingency plan.

5* Date: 03/27/2023 (1925056)
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)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 4th quarter of 2022 within the required timeline. ETT Point Value = 1

6* Date: 05/19/2023 (1925056)
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2021 - The system failed to provide the Consumer Confidence Report (CCR) for 2021 to its bill-paying customers and/or the TCEQ by July 1st of the following year. ETT Point Value = 1

7* Date: 06/22/2023 (1925056)
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)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2023 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2023 within the required timeline. ETT Point Value = 1

8* Date: 07/19/2023 (1925056)
Self Report? NO Classification: Moderate
Citation:

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

Description: DLQOR MR PN 1Q2022 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 1st quarter of 2022. ETT Point Value = 1

9* Date: 07/25/2023 (1925056)
Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 290, SubChapter F 290.117(g)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(i)(7)

Description: LCR SOWT - The system failed to submit the Source Water Treatment Recommendation for alternative treatment including ion exchange, reverse osmosis, lime softening, coagulation/filtration, or none from the end of the six-month monitoring period from 07/01/2022 to 12/31/2022 plus 180 days. ETT Point Value = 5;
Lead and Copper samples collected on a reduced monitoring schedule must be collected during the months of June to September. The end date of this period is September 30th and data is due to

Self Report? NO Classification: Moderate
Citation:

30 TAC Chapter 290, SubChapter F 290.117(f)(3)
30 TAC Chapter 290, SubChapter F 290.117(i)(7)

Description: LCR OCCT 2nd 6M2022- The system failed to submit the Optimal Corrosion

Control Treatment (OCCT) Recommendation in accordance with TCEQ rules after exceeding the lead/copper action level during the six-month monitoring period from 07/01/2022 to 12/31/2022 plus six months. ETT Point Value = 5; Lead and Copper samples collected on a reduced monitoring schedule must be collected during the months of June to September. The end date of this period is September 30th and data is due to the TCEQ 10 days

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

Appendix B

All Investigations Conducted During Component Period April 04, 2019 and April 03, 2024

Item 1*	August 20, 2019**	(1575126)
Item 2	November 21, 2019**	(1605646)
Item 3	March 18, 2020**	(1633074)
Item 4	May 20, 2020**	(1650500)
Item 5	October 06, 2020**	(1678832)
Item 6	December 28, 2021**	(1781635)
Item 7	March 11, 2022**	(1795302)
Item 8*	April 07, 2022**	(1797345)
Item 9	September 15, 2022**	(1841821)
Item 10	February 10, 2023**	(1855665)
Item 11	June 06, 2023**	(1903676)
Item 12	August 15, 2023**	(1922571)
Item 13	September 07, 2023	(1925056)
Item 14	September 08, 2023	(1925351)

* 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 EDMONSON
RN101205375

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1312-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 Edmonson (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 307 West 1st Street in Edmonson, Hale County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 40 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 24, 2023 through September 8, 2023, an investigator documented that:
 - a. The Respondent did not submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the third and fourth quarters of 2022 and the first quarter of 2023.
 - b. The Respondent did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the

Facility and that the information in the CCR is correct and consistent with compliance monitoring data for calendar years 2020 and 2021.

- c. The Respondent did not submit a recommendation to the Executive Director for source water treatment within 180 days after the end of the July 1, 2022 through December 31, 2022 monitoring period during which the lead action level was exceeded.
 - d. The Respondent did not submit a recommendation to the Executive Director for optimal corrosion control treatment within six months after the end of the July 1, 2022 to December 31, 2022 monitoring period during which the lead action level was exceeded.
 - e. The Respondent did not provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2022.
3. The Executive Director recognizes that by October 3, 2023, the Respondent submitted a DLQOR to the Executive Director by the tenth day of the month.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to submit a recommendation to the Executive Director for source water treatment within 180 days after the end of the monitoring period during which the lead action level was exceeded, in violation of 30 TEX. ADMIN. CODE § 290.117(g)(2)(A).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to submit a recommendation to the Executive Director for optimal corrosion control treatment within six months after the end of the monitoring period during which the lead action level was exceeded, in violation of 30 TEX. ADMIN. CODE § 290.117(f)(3)(A).

6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
7. 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.
8. An administrative penalty in the amount of \$5,050 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 \$5,050 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. 8 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 Edmonson, Docket No. 2023-1312-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and
 - ii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2022, in accordance with 30 TEX. ADMIN. CODE § 290.122.

- b. Within 45 days after the effective date of this Order:
- i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a.ii.
- c. Within 60 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.i.
- d. Within 180 days after the effective date of this Order:
- i. Submit to the Executive Director a source water lead and copper treatment recommendation, in accordance with 30 TEX. ADMIN. CODE § 290.117; and
 - ii. Submit to the Executive Director an optimal corrosion control treatment recommendation, in accordance with 30 TEX. ADMIN. CODE § 290.117.

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the treatment recommendations within 15 days after the date of such requests, or by any other deadline specified in writing.
- e. Within 195 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 Nos. 2.d.i and 2.d.ii. 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:

Drinking Water Special Functions Section Manager
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

8/15/2024


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

7-17-2024

Date

Sammy Shannon

Name (Printed or typed)
Authorized Representative of
City of Edmonson

MAYOR
~~7-17-2024~~

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.