

Executive Summary – Enforcement Matter – Case No. 64169
Roosevelt Independent School District
RN101205029
Docket No. 2023-1320-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

No

Location(s) Where Violation(s) Occurred:

Roosevelt ISD, 1406 County Road 3300 near Lubbock, Lubbock 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: December 27, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$11,400

Amount Deferred for Expedited Settlement: \$2,280

Total Paid to General Revenue: \$9,120

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Unclassified

Site/RN - Unclassified

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 21, 2023, through March 22, 2023

Date(s) of NOE(s): May 19, 2023

Executive Summary – Enforcement Matter – Case No. 64169
Roosevelt Independent School District
RN101205029
Docket No. 2023-1320-PWS-E

Violation Information

1. Failed to have all backflow prevention assemblies ("BPAs") tested upon installation and on an annual basis by a recognized backflow assembly tester, and certified that they are operating within specifications. Specifically, the BPAs at the basketball arena concession stand and high school gym concession stand had not been tested on an annual basis [30 TEX. ADMIN. CODE § 290.44(h)(4)].
2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid class "D" or higher license issued by the Executive Director. Specifically, an individual whose license expired on November 22, 2021, was operating the Facility [30 TEX. ADMIN. CODE § 290.46(e)(3)(A)].
3. Failed to plug an abandoned public water supply well with cement or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility had four abandoned wells that had not been tested or plugged [30 TEX. ADMIN. CODE § 290.46(u)].
4. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations [30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i)].
5. Failed to conduct all required sampling for chloramine effectiveness to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled [30 TEX. ADMIN. CODE § 290.110(c)(5)].
6. Failed to inspect the Facility's pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By April 25, 2023, provided current BPA test reports for the basketball arena concession stand and high school gym concession stand BPAs;
- b. By April 28, 2023, ensured that a licensed operator will perform all process control duties;
- c. By December 18, 2023, verified the accuracy of the disinfectant residual analyzer;
- d. By February 22, 2024, plugged the abandoned wells; and
- e. By April 7, 2024, inspected the pressure tank.

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Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled. This provision will be satisfied upon six consecutive months of compliant monitoring; and
- b. Within 225 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Daphne Greene, Enforcement Division, Enforcement Team 4, MC R-05, (903) 535-5157; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Dallas Grimes, Superintendent, Roosevelt Independent School District, 1406 County Road 3300, Lubbock, Texas 79403-7614

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-May-2023	Screening	1-Jun-2023	EPA Due	
	PCW	25-Sep-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Roosevelt Independent School District				
Reg. Ent. Ref. No.	RN101205029				
Facility/Site Region	2-Lubbock	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	64169	No. of Violations	6
Docket No.	2023-1320-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Daphne Greene
		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	\$13,150
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,750
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$501	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$8,408	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,400
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	
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Final Penalty Amount	\$11,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,400
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,280
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$9,120
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Screening Date	1-Jun-2023	Docket No.	2023-1320-PWS-E	PCW
Respondent	Roosevelt Independent School District			Policy Revision 5 (January 28, 2021)
Case ID No.	64169			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN101205029			
Media	Public Water Supply			
Enf. Coordinator	Daphne Greene			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 0%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

No adjustment for compliance history.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 0%

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene Violation Number 1	Docket No. 2023-1320-PWS-E Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Description	Failed to have all backflow prevention assembly ("BPA") tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications. Specifically, the BPAs at the basketball arena concession stand and high school gym concession stand had not been tested on an annual basis.	Base Penalty \$5,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major Moderate Minor		
				Percent 0.0%

Matrix Notes	Failure to test BPAs on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering the water mains which would exceed levels protective of human health.
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Adjustment	\$4,250
	\$750

Violation Events

Number of Violation Events 2	35	Number of violation days
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	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty \$1,500				

Two monthly events are recommended, calculated from the March 21, 2023 investigation date to the April 25, 2023 compliance date.
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Good Faith Efforts to Comply

25.0%	Reduction
	\$375

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary	x		
N/A			
Notes	The Respondent achieved compliance on April 25, 2023.		

Violation Subtotal	\$1,125
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test
		Violation Final Penalty Total \$1,125
		This violation Final Assessed Penalty (adjusted for limits) \$1,125

Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
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)	\$62	21-Mar-2023	25-Apr-2023	0.10	\$0	n/a	\$0

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to test the BPAs (\$31 x two locations), calculated from the date of the investigation 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

\$62

TOTAL

\$0

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene	Docket No. 2023-1320-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 290.46(e)(3)(A)	
Violation Description	Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid class "D" or higher license issued by the Executive Director. Specifically, an individual whose license expired on November 22, 2021, was operating the Facility.		

Base Penalty				\$5,000
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>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				
	Potential		x		
					Percent 5.0%

>> Programmatic Matrix

Matrix Notes	Falsification				
	Major	Moderate	Minor		
					Percent 0.0%
Failure to operate the Facility under direct supervision of an operator with the appropriate license issued by the Executive Director may result in poor plant operation which could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.					
Adjustment					\$4,750

	\$250
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Violation Events

Number of Violation Events	6	522	Number of violation days
daily			
weekly			
monthly			
quarterly	x		
semiannual			
annual			
single event			
Violation Base Penalty			
\$1,500			
Six quarterly events are recommended, calculated from the November 22, 2021 license expiration date, to the April 28, 2023 compliance date.			

Good Faith Efforts to Comply	25.0%	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		
Notes	The Respondent achieved compliance on April 28, 2023.	
Violation Subtotal		
\$1,125		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	Violation Final Penalty Total
\$7	\$1,125
This violation Final Assessed Penalty (adjusted for limits)	
\$1,125	

Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
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)	\$100	22-Nov-2021	28-Apr-2023	1.43	\$7	n/a	\$7

Notes for DELAYED costs

The delayed cost includes the estimated amount to ensure that the Facility is operated under the direct supervision of an operator who holds an applicable, valid license issued by the Executive Director, calculated from the date the operator's license expired to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene	Docket No. 2023-1320-PWS-E Base Penalty \$5,000	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	3	Rule Cite(s)	
		30 Tex. Admin. Code § 290.46(u)	
Violation Description	Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, the Facility had four abandoned wells that had not been tested or plugged.		

Base Penalty				\$5,000
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>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to plug or test the abandoned wells could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.
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Adjustment	\$4,250
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	\$750
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Violation Events

Number of Violation Events	12	72	Number of violation days
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	daily	weekly	monthly	quarterly	semiannual	annual	single event	
			x					Violation Base Penalty \$9,000

Twelve monthly events (three events per well x four wells) are recommended, calculated from the March 21, 2023 investigation date, to the June 1, 2023 screening date.	
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Good Faith Efforts to Comply	10.0%	Reduction	\$900
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	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance on February 22, 2024.		

Violation Subtotal	\$8,100
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Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount	\$370	Violation Final Penalty Total	\$8,100
This violation Final Assessed Penalty (adjusted for limits)			\$8,100

Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
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)	\$8,000	21-Mar-2023	22-Feb-2024	0.93	\$370	n/a	\$370

Notes for DELAYED costs

The delayed costs include the estimated amount to plug or test the abandoned wells (\$2,000 per well x four wells), calculated from the date of the investigation 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

\$8,000

TOTAL

\$370

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene	Docket No. 2023-1320-PWS-E Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(2)(C)(i)	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Violation Number	4	Violation Description		Base Penalty	\$5,000
		Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations.			

>> Environmental, Property and Human Health Matrix

OR		Harm	Major	Moderate	Minor	
	Release					
	Actual					Percent 5.0%
	Potential		x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes	Failure to verify the accuracy of the manual disinfectant residual analyzer could result in the non-detection of improperly disinfected water and potentially expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.
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Adjustment	\$4,750
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	\$250
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Violation Events

Number of Violation Events	1	72	Number of violation days
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	daily		weekly		monthly		quarterly		semiannual		annual		single event			
													x		Violation Base Penalty	\$250

One single event is recommended.	
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Good Faith Efforts to Comply

	10.0%		Reduction	\$25
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
Extraordinary				
Ordinary		x		
N/A				
Notes	The Respondent achieved compliance on December 18, 2023.			

Violation Subtotal	\$225
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Economic Benefit (EB) for this violation

Estimated EB Amount	\$0	Statutory Limit Test	
		Violation Final Penalty Total	\$225
This violation Final Assessed Penalty (adjusted for limits)			\$225

Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
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)	\$5	21-Mar-2023	18-Dec-2023	0.75	\$0	n/a	\$0

Notes for DELAYED costs

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

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5

TOTAL

\$0

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene	Docket No. 2023-1320-PWS-E Violation Number 5 Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(5) Violation Description Failed to conduct all required sampling for chloramine effectiveness to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled.	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty \$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				
	Potential			x	Percent 3.0%

>> Programmatic Matrix

		Harm			
	Falsification	Major	Moderate	Minor	
	Matrix Notes	Failure to conduct chloramine effectiveness sampling could lead to nitrification in the distribution system which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.			Percent 0.0%

	Adjustment \$4,850
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	\$150
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Violation Events

Number of Violation Events 1	72	Number of violation days
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daily						
weekly						
monthly						
quarterly						
semiannual						
annual						
single event				x		

One single event is recommended.	
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Good Faith Efforts to Comply

	0.0%	
	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 \$150
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Economic Benefit (EB) for this violation

	Statutory Limit Test
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Estimated EB Amount \$114	Violation Final Penalty Total \$150
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This violation Final Assessed Penalty (adjusted for limits)	\$150
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Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
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	\$100	21-Mar-2023	16-Nov-2025	2.66	\$13	n/a	\$13
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation 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	\$100	21-Mar-2023	1-Jun-2023	0.20	\$1	\$100	\$101
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$200

TOTAL

\$114

Screening Date 1-Jun-2023 Respondent Roosevelt Independent School District Case ID No. 64169 Reg. Ent. Reference No. RN101205029 Media Public Water Supply Enf. Coordinator Daphne Greene	Docket No. 2023-1320-PWS-E Violation Number <input style="width: 50px;" type="text" value="6"/> Rule Cite(s) <div style="border: 1px solid black; padding: 5px; text-align: center;">30 Tex. Admin. Code § 290.46(m)(1)(B)</div> Violation Description <div style="border: 1px solid black; padding: 10px; text-align: center;">Failed to inspect the Facility's pressure tank annually.</div>	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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Base Penalty

>> Environmental, Property and Human Health Matrix

OR

	Release	Major	Moderate	Minor
Actual	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>
Potential	<input style="width: 50px;" type="text" value="x"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>

Percent

>> Programmatic Matrix

Matrix Notes

Falsification	Major	Moderate	Minor
<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>	<input style="width: 50px;" type="text"/>

Percent

Failure to inspect the pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

daily	<input style="width: 50px;" type="text"/>
weekly	<input style="width: 50px;" type="text"/>
monthly	<input style="width: 50px;" type="text"/>
quarterly	<input style="width: 50px;" type="text"/>
semiannual	<input style="width: 50px;" type="text"/>
annual	<input style="width: 50px;" type="text"/>
single event	<input style="width: 50px;" type="text" value="x"/>

Violation Base Penalty

One single event is recommended.

Good Faith Efforts to Comply

10.0%
 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer
 Extraordinary
 Ordinary
 N/A
 Notes

The Respondent achieved compliance on April 7, 2024.

Reduction

Violation Subtotal

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test
Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Roosevelt Independent School District
Case ID No. 64169
Reg. Ent. Reference No. RN101205029
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$41	8-Jul-2019	7-Apr-2024	4.75	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to conduct annual pressure tank inspections (\$41 per tank x one tank), calculated from the date the last inspection was due 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

\$41

TOTAL

\$10



Compliance History Report

Compliance History Report for CN600649248, RN101205029, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600649248, Roosevelt Independent School District
Classification: UNCLASSIFIED
Rating: -----

Regulated Entity: RN101205029, ROOSEVELT ISD
Classification: UNCLASSIFIED
Rating: -----

Complexity Points: 3
Repeat Violator: NO

CH Group: 14 - Other

Location: 1406 COUNTY ROAD 3300 NEAR LUBBOCK, LUBBOCK COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1520123 **INDUSTRIAL AND HAZARDOUS WASTE NONPERMITTED** ID NUMBER F0572

Compliance History Period: September 01, 2019 to August 31, 2024
Rating Year: 2024
Rating Date: 09/01/2024

Date Compliance History Report Prepared: October 07, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 07, 2019 to October 07, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Daphne Greene
Phone: (903) 535-5157

Site and Owner/Operator History:

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

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

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

B. Criminal convictions:
N/A

C. Chronic excessive emissions events:
N/A

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

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):
A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.
N/A

F. Environmental audits:
N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
ROOSEVELT INDEPENDENT SCHOOL
DISTRICT
RN101205029

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

AGREED ORDER DOCKET NO. 2023-1320-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply located at 1406 County Road 3300 near Lubbock, Lubbock County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 12 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$11,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$9,120 of the penalty and \$2,280 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
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 or conditions in this Order.
7. 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.
8. 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.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By April 25, 2023, provided current backflow prevention assembly ("BPA") test reports for the basketball arena concession stand and high school gym concession stand BPAs;
 - b. By April 28, 2023, ensured that a licensed operator will perform all process control duties;
 - c. By December 18, 2023, verified the accuracy of the disinfectant residual analyzer;
 - d. By February 22, 2024, plugged the abandoned wells; and
 - e. By April 7, 2024, inspected the pressure tank.

II. ALLEGATIONS

During an investigation at the Facility conducted March 21, 2023, through March 22, 2023, an investigator documented that the Respondent:

1. Failed to have all BPAs tested upon installation and on an annual basis by a recognized backflow assembly tester, and certified that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4). Specifically, the BPAs at the basketball arena concession stand and high school gym concession stand had not been tested on an annual basis.
2. Failed to operate the Facility under the direct supervision of a water works operator who holds an applicable, valid class "D" or higher license issued by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(3)(A). Specifically, an individual whose license expired on November 22, 2021, was operating the Facility.

3. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, the Facility had four abandoned wells that had not been tested or plugged.
4. Failed to verify the accuracy of the manual disinfectant residual analyzer at least once every 90 days using chlorine solutions of known concentrations, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(2)(C)(i).
5. Failed to conduct all required sampling for chloramine effectiveness to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(5).
6. Failed to inspect the Facility's pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Roosevelt Independent School District, Docket No. 2023-1320-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, begin collecting all required chloramine effectiveness samples to ensure that monochloramine is the prevailing chloramine species and that nitrification is controlled, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon six consecutive months of compliant monitoring.
 - b. Within 225 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
5012 50th Street, Suite 100
Lubbock, Texas 79414-3426

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. 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.
7. 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.

8. 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

1/15/2025

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

Date

Name (Printed or typed)

Title

Authorized Representative of
Roosevelt Independent School District

☐ 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.