

Jon Niermann, *Chairman*
Emily Lindley, *Commissioner*
Bobby Janecka, *Commissioner*
Toby Baker, *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

March 10, 2020

The Honorable Tano E. Tijerina
County Judge of Webb County
1000 Houston Street
Laredo, Texas 78040

Re: Proposed Agreed Order
Webb County; RN102698719; Public Water Supply ID No. 2400022
Docket No. 2020-0213-PWS-E; Enforcement Case No. 58904
FOR SETTLEMENT PURPOSES ONLY

Dear Judge Tijerina:

The Executive Director of the Texas Commission on Environmental Quality ("Commission" or "TCEQ") is pursuing an enforcement action against Webb County for violations of the Texas Health & Safety Code and Commission Rules. These violations were discovered during a record review conducted on January 20, 2020 through January 31, 2020, and documented in a letter dated January 31, 2020, from the TCEQ Drinking Water Special Functions Section.

Please find enclosed a proposed agreed order which we have prepared in an attempt to expedite this enforcement action. The order assesses an administrative penalty of \$2,100, identifies the violations that we are addressing, and identifies specific technical requirements necessary to resolve them.

If you have any questions regarding this matter, we are available to discuss them in a conference in Austin or over the telephone. If we reach agreement in a timely manner, the TCEQ will then proceed with the remaining procedural steps to settle this matter. These steps include publishing notice of the proposed order in the *Texas Register*, and scheduling the matter for approval by the Commission. We believe that handling this matter expeditiously could save Webb County and the TCEQ a significant amount of time, as well as the expense associated with litigation.

Enclosed for your convenience is a return envelope. If you agree with the order as proposed, please sign and return the original order **and** the penalty payment (check payable to "TCEQ" and referencing Webb County, Docket No. 2020-0213-PWS-E) to:

The Honorable Tano E. Tijerina
March 10, 2020
Page 2

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

Should you believe you are unable to pay the proposed administrative penalty, you may claim financial inability to pay part or all of the penalty amount. Please contact us immediately to obtain a list of financial disclosure documents that must be submitted within 30 days of the receipt of this letter. These documents, once properly completed and submitted, will be thoroughly reviewed to determine if we agree with the claim of financial inability. Please be aware that if financial inability is proven to the satisfaction of staff, discussions pertaining to the penalty amount adjustment will focus only on deferral and not on waiver of the penalty amount.

You may be able to perform or contribute to a Supplemental Environmental Project ("SEP"), which is a project that benefits the environment, to offset a portion of your penalty. **If you are interested in performing an SEP, you must agree to the penalty amount and submit an SEP proposal within 30 days of receipt of this proposed order.** If you are a local government you may have additional SEP options available to assist you with coming into compliance or remediating the harm caused by the violations. A local government is defined as a school district, county, municipality, junior college district, river authority, water district or other special district or other political subdivision created under the constitution or a statute of this state.

For additional information about the types of SEPs available and eligibility criteria, please go to the TCEQ's web site link at <http://www.tceq.texas.gov/legal/sep/> or contact the Enforcement Coordinator listed below.

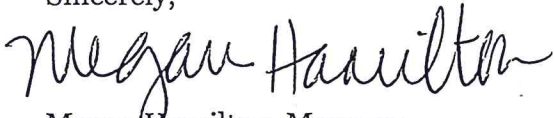
Please note that any agreements we reach are subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a).

If we cannot reach a settlement of this enforcement action or you do not wish to participate in this expedited process, we will proceed with enforcement under the Commission's Enforcement Rules, 30 TEX. ADMIN. CODE ch. 70. Specifically, if the signed order and penalty are not mailed and postmarked within 60 days from the date of this letter, your case will be forwarded to the Litigation Division and this settlement offer will no longer be available. The enforcement process described in 30 TEX. ADMIN. CODE ch. 70 requires the staff to prepare and issue an Executive Director's Preliminary Report and Petition to the Commission. If you would like to obtain a copy of 30 TEX. ADMIN. CODE ch. 70, or any other TCEQ rules, the rules themselves and the agency brochure entitled *Obtaining TCEQ Rules* (GI-032) are located on our agency website at <http://www.tceq.texas.gov> for your reference. If you would like a hard copy of this brochure mailed to you, you may call and request one from the Central Office Publications Ordering Team at (512) 239-0028.

The Honorable Tano E. Tijerina
March 10, 2020
Page 3

For any questions or comments about this matter or to arrange a meeting, please contact Mr. Ryan Byer of my staff at (512) 239-2571.

Sincerely,



Megan Hamilton, Manager
Enforcement Division
Texas Commission on Environmental Quality

MH/rsb

Enclosures: Proposed Agreed Order, Return Envelope, Penalty Calculation Worksheet, Site Compliance History

cc: Mr. Tomas Sanchez, Jr., Director, Webb County Water Utilities, 513 Martha Drive, Rio Bravo, Texas 78046

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WEBB COUNTY
RN102698719

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2020-0213-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Webb County (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 515 Martha Drive in Rio Bravo, Webb County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 2,734 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(71).
2. During a record review conducted on January 20, 2020 through January 31, 2020, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.085 milligram per liter ("mg/L") for the third quarter of 2019 and 0.083 mg/L for the fourth quarter of 2019. Additionally, public notification regarding the failure to comply with the maximum contaminant level ("MCL") for TTHM during the third quarter of 2019 was required by November 8, 2019, but was not provided.
3. The Executive Director recognizes that the Respondent provided public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding

the failure to comply with the MCL for TTHM during the third quarter of 2019 by February 3, 2020.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM based on the locational running annual average and to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for TTHM, in violation of 30 TEX. ADMIN. CODE §§ 290.115(f)(1) and 290.122(b)(2)(A) and (f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of \$2,100 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 \$2,100 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Webb County, Docket No. 2020-0213-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 365 days after the effective date of this Order, return to compliance with the MCL for TTHM based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- b. Within 380 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:

Order Compliance Team
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 Order Compliance Team 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

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 Attorney General's Office 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 Attorney General's Office 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)
Authorized Representative of
Webb County

Title

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



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

TCEQ

DATES	Assigned	3-Feb-2020	Screening	4-Feb-2020	EPA Due	31-Mar-2020
	PCW	4-Feb-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	Webb County				
Reg. Ent. Ref. No.	RN102698719				
Facility/Site Region	16-Laredo	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	58904	No. of Violations	1
Docket No.	2020-0213-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ryan Byer
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1*

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Adjustment *Subtotals 2, 3, & 7*

Notes

Culpability Enhancement *Subtotal 4*

Notes

Good Faith Effort to Comply Total Adjustments *Subtotal 5*

Economic Benefit Enhancement* *Subtotal 6*

Total EB Amounts	\$1,316	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$10,025	

SUM OF SUBTOTALS 1-7 *Final Subtotal*

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment *Adjustment*

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*

DEFERRAL Reduction *Adjustment*

Reduces the Final Assessed Penalty by the indicated percentage.

Notes

PAYABLE PENALTY

Screening Date 4-Feb-2020

Docket No. 2020-0213-PWS-E

PCW

Respondent Webb County

Policy Revision 4 (April 2014)

Case ID No. 58904

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102698719

Media Public Water Supply

Enf. Coordinator Ryan Byer

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>)	3	15%
	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 40%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 40%

Screening Date 4-Feb-2020

Docket No. 2020-0213-PWS-E

PCW

Respondent Webb County

Policy Revision 4 (April 2014)

Case ID No. 58904

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN102698719

Media Public Water Supply

Enf. Coordinator Ryan Byer

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.115(f)(1) and 290.122(b)(2)(A) and (f) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligram per liter ("mg/L") for total trihalomethanes ("TTHM") based on the locational running annual average and to provide public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for TTHM during the third quarter of 2019. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.085 mg/L for the third quarter of 2019 and 0.083 mg/L for the fourth quarter of 2019. Additionally, public notification was required by November 8, 2019, but was not provided.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		30.0%
	Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Exceeding the MCL for TTHM and failing to provide public notification caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment \$3,500

\$1,500

Violation Events

Number of Violation Events 1 183 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

Violation Base Penalty \$1,500

One annual 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 \$1,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,316

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

Economic Benefit Worksheet

Respondent Webb County
Case ID No. 58904
Reg. Ent. Reference No. RN102698719
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	30-Sep-2019	16-Aug-2021	1.88	\$63	\$1,253	\$1,316
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	8-Nov-2019	3-Feb-2020	0.24	\$0	n/a	\$0

Notes for DELAYED costs

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

The second other 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 the 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 date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,025

TOTAL

\$1,316



Compliance History Report

Compliance History Report for CN600612758, RN102698719, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator:	CN600612758, Webb County	Classification:	SATISFACTORY	Rating:	19.20
Regulated Entity:	RN102698719, WEBB COUNTY WATER UTILITIES	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	515 MARTHA DRIVE IN RIO BRAVO, WEBB COUNTY, TEXAS				
TCEQ Region:	REGION 16 - LAREDO				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2400022				

Compliance History Period:	September 01, 2014 to August 31, 2019	Rating Year:	2019	Rating Date:	09/01/2019
Date Compliance History Report Prepared:	February 03, 2020				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	February 03, 2015 to February 03, 2020				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ryan Byer	Phone:	(512) 239-2571		

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: 10/11/2016 ADMINORDER 2015-1428-MLM-E (Findings Order-Agreed Order Without Denial)
 - Classification: Moderate
 - Citation: 30 TAC Chapter 312, SubChapter G 312.142(a)
 - Description: Failed to apply for registration with the Commission to transport water treatment sludge on forms furnished by the Executive Director and receive a registration from the Executive Director prior to commencing operations. Specifically, the Respondent transported water treatment sludge without authorization.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
 - Description: Failed to provide make-up water supply lines to chemical feeder solution mixing chambers with an air gap or other acceptable backflow prevention device. Specifically, a common make-up water line in the chemical feed room was used for the chlorine feed to the clarifier, filters, and clearwells with no air gap or other acceptable backflow prevention device.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(A)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failed to provide a raw water pump capacity of 0.6 gpm per connection with the largest pump out of service. Specifically, with 2,693 connection equivalents, the Facility is required to provide a raw water pump capacity of 1,616 gpm with the largest pump out of service. The Facility provides 900 gpm raw water pump capacity with the largest pump out of service, which is a 44% deficiency.
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
5A THSC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, the system serves 2,693 connection equivalents and was only providing 0.2 million gallons ("MG") elevated storage capacity through the Rio

Bravo elevated storage tank (" ") while the El Cenizo EST is offline pending modifications, which is a 26% deficiency.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(F)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide each pump station or pressure plane with two or more service pumps that have a total capacity of 2.0 gallons per minute ("gpm") per connection or that have a total capacity of at least 1,000 gpm and the ability to meet peak hourly demands with the largest pump out of service, whichever is less. Specifically, with 2,693 connection equivalents, the Facility is required to meet a service pump capacity of 2,706 gpm, however only 1,800 gpm is provided, which is a 33% deficiency.

Classification: Moderate

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

Description: Failed to calibrate the flow measuring devices and rate-of-flow controllers at least once every 12 months. Specifically, none of the flow measuring devices at the plant were calibrated in the previous 12 months, including: the meters at the raw water splitter box and transfer pumps, for the recycled decant water, for the treated water used to backwash the filters, for the treated water discharged from the plant, and the meters at the four filters.

Classification: Moderate

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

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the turbidimeters were not maintained in such a way to be able to capture the higher end of the turbidity range as described in 30 Tex. Admin. Code §§ 290.111(e) and 290.122(a)(1)(B).

Classification: Moderate

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

Description: SWTR MR Violation 03/2015 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

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

Description: SWTR MR Violation 02/2015 - 28 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

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

Description: SWTR MR Violation 01/2015 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

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

Description: SWTR MR Violation 12/2014 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

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

Description: SWTR MR Violation 11/2014 - 30 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

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

Description: SWTR MR Violation 10/2014 - 31 day(s) when the plant was on-line but individual filter effluent turbidity data were not collected at New Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 03/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 02/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 01/2015 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)

5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 12/2014 - The system failed to provide treatment for Cryptosporidium at new Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 11/2014 - The system failed to provide treatment for Cryptosporidium at new Rio Bravo SWTP (TP20831).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(3)(B)(i)
5A THSC Chapter 341, SubChapter A 341.031(a)

Description: SWTR Non-acute TT Violation 10/2014 - The system failed to provide treatment for Cryptosporidium at New Rio Bravo SWTP (TP20831).

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 2013 - The system failed to provide the Consumer Confidence Report (CCR) for 2013 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

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

Description: TTHM LRAA MCL 1Q2015 - During the first quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.084 mg/L at 428 Cadena Rd (DBP2-01).

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)(iii)

Rqmt Prov: Provision No. 3.f.i. ORDER

Description: Failure to conduct grab sampling every four hours in the event the facility's continuous turbidity monitoring equipment malfunctions but not for more than 14 working days, as per 30 TAC 290.111(e)(5)(C)(iii). Failure to comply with the Ordering Provisions of Agreed Order Docket No. 2013-2014-MLM-E.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.111(h)

Rqmt Prov: 3.b.vi ORDER

3.d.i. ORDER

Description: Failed to properly complete the Surface Water Monthly Operating Reports ("SWMORs") submitted to the Commission. Specifically, the individual filter effluent ("IFE") turbidity data was not being recorded every 15 minutes and was not reported for the entire month of April 2015 as per the SWMOR submitted to the TCEQ Public Drinking Water Section.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: Ordering Provision No. 3.b.viii ORDER

Provision No. 3.a.iii. ORDER

Description: Failed to operate the disinfection equipment to maintain a disinfectant residual of at least 0.5 milligrams per liter ("mg/L") of total chlorine throughout the distribution system at all times. Specifically, on April 30, 2015, the following total chlorine levels were measured in the distribution system: 0.29 mg/L at 1217 Paseo de Tiber and 0.37 mg/L at 1223 Paseo de Tiber.

Classification: Major

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

Rqmt Prov: Provision No. 3.f.ii. ORDER

Description: Failed to continuously monitor the filtered water turbidity at the effluent of each individual filter and record the turbidity every 15 minutes. Specifically, the continuous monitoring equipment was not functioning, nor was the IFE being recorded every 15 minutes as evidenced by continued missing data from October 2014 through March 2015.

Classification: Major

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

Rqmt Prov: Provision No. 3.f.iv. ORDER

Description: Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the supervisory control and data acquisition ("SCADA") system, including recording of turbidity and monitoring flow through the plant, was not functioning properly; the flow splitters, automatic controls and hydrocyclones on the clarifiers were not functioning properly; and the automated filter backwash system was not funct.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)

Rqmt Prov: Provision No. 3.b.xvi. ORDER

Description: Failed to ensure that each surface water treatment plant has at least one Class "C" or higher surface water operator on duty at the plant when it is in operation or that the plant is provided with continuous turbidity and disinfectant residual monitors with automatic plant shutdown and alarms to summon operators so as to ensure that the water produced continues to meet the Commission's drinking water standards during periods when the plant is not staffed.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)(ii)

Rqmt Prov: 3.d.vi. ORDER

Description: Failed to operate within a maximum filtration rate of 5.0 gallons per square foot per minute for high-rate gravity filters.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.111(d)(2)(A)

Rqmt Prov: 3.d.ii. ORDER

Description: Failed to measure the disinfectant residual, pH, temperature, and flow rate of the water in each disinfection zone at least once each day during a time when peak hourly raw water flow rates are occurring.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	May 10, 2016	(1330767)
Item 2	May 15, 2018	(1483881)
Item 4	August 11, 2019	(1580559)

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: 10/09/2019 (1624352)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.085 mg/L at 428 Cadena Road, El Cenizo (DBP2-01).

2 Date: 11/25/2019 (1624352)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: TTHM DBP2 MCL PN 3Q2019 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 violation of the maximum contaminant level for trihalomethanes during the 3rd quarter of 2019.

3 Date: 01/16/2020 (1624352)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 428 Cadena Road, El Cenizo (DBP2-01).

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