




COLLIN COUNTY

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Date: September 6, 2018
To: Commissioners Court
From: Jon Kleinheksel 
Re: TCEQ Inspection Notice of Administrative Penalty

In May 2018, TCEQ conducted a site inspection of the fuel tanks at the Public Works Service Center in which they cited two violations of the Texas Water Code. Upon completion, the agency drafted a proposed settlement which was received by County staff last month. The "Agreed Order" from TCEQ fully acknowledges the rectification of both violations and assesses an Administrative penalty.

The first violation references a "Failure to monitor the USTs for release at a frequency of at least once every month (not to exceed 35 days between each monitoring)".

In late February, the Automatic Tank Gauging (ATG) system malfunctioned which monitors tanks levels and fuel leaks electronically. While searching for a qualified repair vendor and coordinating with Purchasing over contract language, Public Works continued to monitor tank levels and integrity via monthly inventory control reconciling deliveries and consumption. PW staff misinterpreted TCEQ policy regarding monthly leak detection requirements. TCEQ advised PW staff to utilize an outside SIR vendor in the event of a recurrence. The ATG has since been repaired and is currently monitoring tank behavior per TCEQ guidelines.

The second violation references a "Failure to provide corrosion protection for the UST system".

Historically, the County's UST have passed TCEQ inspections with no mention of corrosion protection. PW staff believed our facility was exempt from this requirement based on these previous results. Despite this, cathodic protection was installed and tested on each system at the Service Center soon after the inspection which fully complies with TCEQ regulations.

The original penalty levied by TCEQ was \$7,500. However, by virtue of the County's expeditious and diligent resolution of both violations and due to a deferral, TCEQ has reduced the amount to \$4,501 if paid by September 30. Funding is available to address the penalty utilizing the fuel account# 0001-44001-0009-60-30-626101. Public Works respectfully requests Commissioners Court's consideration and approval to pay the administrative penalty. Should you require additional information, please contact me and I will respond accordingly.