

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 60538
Grand Harbor Water Supply Corporation
RN104497946
Docket No. 2021-0404-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Respondent has demonstrated a pattern of disregard for environmental laws.

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

south side of County Road 1705, approximately 1,000 feet east of the intersection of Boy Scout Road and County Road 1705, near Bridgeport, Wise County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: January 21, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed:	\$5,000
Total Paid to General Revenue:	\$170
Total Due to General Revenue:	\$4,830 35 payments of \$138 each

Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: March 8, 2021 through March 19, 2021

Date(s) of NOV(s): April 22, 2020, August 5/2020, January 21, 2021

Date(s) of NOE(s): March 19, 2021

Grand Harbor Water Supply Corporation

RN104497946

Docket No. 2021-0404-PWS-E

Violation Information

Failed to comply with the maximum contaminant level (MCL) of 0.060 mg/L for haloacetic acids ("HAA5") based on the locational running annual average ("LRAA") [TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Within 365 days, return to compliance with the MCL for HAA5, based on the LRAA, in accordance with 30 TEX. ADMIN. CODE § 290.115.
2. Within 380 days, submit written certification to demonstrate compliance for Technical Requirement No. 1.

Litigation Information**Date Petition(s) Filed:** September 29, 2021**Date Green Card(s) Signed:** October 1, 2021**Settlement Date:** November 23, 2021**Contact Information****TCEQ Attorneys:** Judy Bohr, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575**TCEQ SEP Coordinator:** Betty Sanders, Litigation Division, (512) 239-3992**TCEQ Enforcement Coordinator:** Ecko Beggs, Enforcement Division, (915) 834-4968**TCEQ Regional Contact:** Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800**Respondent Contact:** Oscar Rhone, President, Grand Harbor Water Supply Corporation,
4101 W Green Oaks Blvd, Ste 305 PMB 188, Arlington, Texas 76016-6800**Respondent's Attorney:** N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	22-Mar-2021	Screening	23-Mar-2021	EPA Due	30-Jun-2020
	PCW	29-Mar-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Grand Harbor Water Supply Corporation
Reg. Ent. Ref. No.	RN104497946
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION		No. of Violations	1
Enf./Case ID No.	60538	Order Type	Findings
Docket No.	2021-0404-PWS-E	Government/Non-Profit	Yes
Media Program(s)	Public Water Supply	Enf. Coordinator	Ecko Beggs
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	100.0%	Adjustment	Subtotals 2, 3, & 7	\$2,500
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Notes: Enhancement for three NOVs with the same/similar violations, two Agreed Orders containing a denial of liability, and two Agreed Orders without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,041
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,000
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$5,000
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,000
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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	\$5,000
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Screening Date 23-Mar-2021

Docket No. 2021-0404-PWS-E

PCW

Respondent Grand Harbor Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 60538

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104497946

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>)	2	40%
	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	2	50%
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) 105%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for three NOVs with the same/similar violations, two Agreed Orders containing a denial of liability, and two Agreed Orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 105%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 100%

Screening Date 23-Mar-2021

Docket No. 2021-0404-PWS-E

PCW

Respondent Grand Harbor Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 60538

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN104497946

Media Public Water Supply

Enf. Coordinator Ecko Beggs

Violation Number 1

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

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average ("LRAA"). Specifically, the LRAA concentrations of HAA5 for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.071 mg/L for the third quarter of 2019, 0.090 mg/L for the fourth quarter of 2019, 0.094 mg/L for the first quarter of 2020, 0.107 mg/L for the second quarter of 2020, and 0.071 mg/L for the third quarter of 2020.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (25.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (0.0%).

Matrix Notes Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amounts of contaminants which did not exceed levels protective of human health.

Adjustment \$3,750

\$1,250

Violation Events

Number of Violation Events 2 Number of violation days 457

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual (marked with x), single event.

Violation Base Penalty \$2,500

Two annual events are recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts with columns: Before NOE/NOV, NOE/NOV to EDPRP/Settlement Offer, and rows: Extraordinary, Ordinary, N/A (marked with x).

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

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,041

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent Grand Harbor Water Supply Corporation
Case ID No. 60538
Reg. Ent. Reference No. RN104497946
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	30-Sep-2019	19-Sep-2022	2.97	\$50	\$991	\$1,041
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The Other (as needed) cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for HAA5, calculated from the last day of the first quarter of noncompliance to the 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
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Approx. Cost of Compliance \$5,000

TOTAL \$1,041

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

Compliance History Report for CN602765430, RN104497946, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN602765430, Grand Harbor Water Supply Corporation **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN104497946, GRAND HARBOR WSC **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: LOCATED ON THE SOUTH SIDE OF COUNTY ROAD 1705, APPROXIMATELY 1,000 FEET EAST OF THE INTERSECTION OF BOY SCOUT ROAD AND COUNTY ROAD 1705, NEAR BRIDGEPORT, WISE COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2490070

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: March 22, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 22, 2016 to March 22, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Ecko Beggs

Phone: (915) 834-4968

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: 09/11/2017 ADMINORDER 2017-0327-PWS-E (Findings Order-Agreed Order Without Denial)
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 4Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.098 mg/L for the fourth quarter of 2016.
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 3Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.088 mg/L for the third quarter of 2016.
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 2Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.093 mg/L for the second quarter of 2016.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2016 - Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2014 through December 31, 2016 monitoring period.

- 2 Effective Date: 11/05/2019 ADMINORDER 2017-1386-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a total chlorine residual of at least 0.5 milligrams per liter (mg/L) throughout the distribution system.
EIC B19(c)(6) MOD(2)(G)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)
Description: Failure to issue a boil water notification within 24 hours of low disinfectant residuals.
EIC A12(d)4 MOD(2)(A)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failure to maintain a copy of the monitoring plan.
EIC B3 MOD(2)(B)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)
30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to maintain copies of the customer service inspection certificates.
EIC B3 MOD(2)(B)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)
Description: Failure to perform chloramine effectiveness sampling.
EIC B1 MOD(2)(A)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
Description: Failure to create a Nitrification Action Plan (NAP).
EIC B3 MOD(2)(B)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
Description: Failure to maintain records of dead-end main flushing.
EIC B3 MOD(2)(B)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(A)
Description: Failure to install backflow devices at any residence where an actual or potential contamination hazard exists.
EIC B19c(10) MOD(2)(A)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to calibrate the manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.
EIC B1 MOD(2)(B)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)
Description: Failure to inspect the ground storage and pressure tanks at Pump Station #2 annually.
EIC C1 MIN(3)(A)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(C)
Description: Failure to have an operable fan at Pump Station #1.
EIC C4 MIN(3)(D)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(B)
Description: Failure to monitor the disinfectant residuals at various representative locations in the distribution system.
EIC C1 MIN(3)(A)
Classification: Moderate
Citation: 30 TAC Chapter 288, SubChapter B 288.20(a)
Description: Failure to maintain a drought contingency plan.
EIC B3 MOD(2)(B)
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iii)

Description: Failure to maintain a record of customer complaints.
EIC B3 MON(2)(B)

Classification: Moderate

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

Description: Failure to maintain customer service agreements.

EIC B3 MON(2)(B)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)

Description: Failure to provide a working chlorine scale at both Pump Stations.

EIC C4 MIN(3)(D)

- 3 Effective Date: 04/13/2020 ADMINORDER 2019-0526-PWS-E (Findings Order-Agreed Order Without Denial)
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 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at 112 French Kingston CT, Chico (DBP2-01).
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 4Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2018 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 3Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2018 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 1st 6M2018 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2018 to 06/30/2018.
- 4 Effective Date: 06/30/2020 ADMINORDER 2019-1724-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)
Description: Failure to institute special precautions in accordance with TCEQ requirements.
EIC: A12.d.(4), MOD(2)(G)

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	September 29, 2017	(1438143)
Item 4	February 04, 2019	(1540471)
Item 5	February 25, 2021	(1702917)

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: 04/22/2020 (1705280)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 1Q2020 - During the 1st quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.094 mg/L at

112 French Kingston CT, Chico (DBP2-01).
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.090 mg/L at 112 French Kingston CT, Chico (DBP2-01).

2 Date: 08/05/2020 (1705280)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 2Q2020 - During the 2nd quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.107 mg/L at 112 French Kingston CT, Chico (DBP2-01).

3 Date: 01/21/2021 (1705280)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: HAA5 LRAA MCL 3Q2020 - During the 3rd quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.071 mg/L at 112 French Kingston CT, Chico (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

Component Appendices

Appendix A

All NOV's Issued During Component Period 3/22/2016 and 3/22/2021

1 Date: 07/15/2016 (1387787) Classification: Moderate
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: TTHM LRAA MCL 2Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.093 mg/L for the second quarter of 2016.

2 Date: 10/24/2016 (1387787) Classification: Moderate
Self Report? NO **For Informational Purposes Only**
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: 5A THSC Chapter 341, SubChapter A 341.0315(c)
TTHM LRAA MCL 3Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.088 mg/L for the third quarter of 2016.

3 Date: 10/31/2016 (1387787) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2016 - Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2014 through December 31, 2016 monitoring period.

4 Date: 01/10/2017 (1387787) Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: TTHM LRAA MCL 4Q2016 - Failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentration of total trihalomethanes ("TTHM") at Stage 2 Disinfection Byproducts Site 1 was 0.098 mg/L for the fourth quarter of 2016.

5 Date: 01/10/2019 (1553799) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 3Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2018 within the required timeline.

6 Date: 01/25/2019 (1553799) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN 1st 6M2018 - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2018 to 06/30/2018.

7 Date: 03/08/2019 (1553799) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 2nd 6M2018 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2018 to 12/31/2018 within the required timeline.

8 Date: 03/18/2019 (1553799) Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: RTCR Routine MR Violation 01/2019- Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

9 Date: 03/21/2019 (1553799)

Classification: Moderate

Self Report? NO For Informational Purposes Only

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

Description: TTHM LRAA MCL 1Q2019 - During the 1st quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at 112 French Kingston CT, Chico (DBP2-01).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)

Description: FEB/2018 RTCR Routine MR PN 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 failing to conduct routine coliform monitoring for the month of 02/2018.

10 Date: 03/22/2019 (1553799)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 4Q2018 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2018 within the required timeline.

11* Date: 10/22/2019 (1705280)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.071 mg/L at 112 French Kingston CT, Chico (DBP2-01).

12* Date: 04/22/2020 (1705280)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 1Q2020 - During the 1st quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.094 mg/L at 112 French Kingston CT, Chico (DBP2-01).

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 4Q2019 - During the 4th quarter of 2019 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.090 mg/L at 112 French Kingston CT, Chico (DBP2-01).

13* Date: 08/05/2020 (1705280)

Classification: Moderate

Self Report? NO For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 2Q2020 - During the 2nd quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.107 mg/L at 112 French Kingston CT, Chico (DBP2-01).

Self Report? NO

For Informational Purposes Only

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: HAA5 LRAA MCL 3Q2020 - During the 3rd quarter of 2020 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.071 mg/L at

112 French Kingston CT, Chico (DBP2-01).

* NOVs applicable for the Compliance History rating period 9/1/2015 to 8/31/2020

Appendix B

All Investigations Conducted During Component Period March 22, 2016 and March 22, 2021

		(1387787)	
Item 1	January 18, 2017**		For Informational Purposes Only
		(1388821)	
Item 2	January 27, 2017**		For Informational Purposes Only
		(1414526)	
Item 3	July 14, 2017**		For Informational Purposes Only
		(1438143)	
Item 4*	September 29, 2017**		For Informational Purposes Only
		(1540471)	
Item 5*	February 04, 2019**		For Informational Purposes Only
		(1553799)	
Item 6	April 03, 2019**		For Informational Purposes Only
		(1554465)	
Item 7	April 05, 2019**		For Informational Purposes Only
		(1702917)	
Item 8*	February 25, 2021		For Informational Purposes Only
		(1705280)	
Item 9	March 16, 2021		For Informational Purposes Only
		(1705786)	
Item 10	March 19, 2021		For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN ENFORCEMENT
ACTION CONCERNING
GRAND HARBOR WATER
SUPPLY CORPORATION;
RN104497946**

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**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2021-0404-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Grand Harbor Water Supply Corporation ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a public water supply located on the south side of County Road 1705, approximately 1,000 feet east of the intersection of Boy Scout Road and County Road 1705, near Bridgeport, Wise County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 51 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 record review conducted on March 8, 2021 through March 19, 2021, an investigator documented that Respondent failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5") based on the locational running annual average ("LRAA"). Specifically, the LRAA concentrations of HAA5 for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.071 mg/L for the third quarter of 2019, 0.090 mg/L for the fourth quarter of 2019, 0.094 mg/L for the first quarter of 2020, 0.107 mg/L for the second quarter of 2020, and 0.071 mg/L for the third quarter of 2020.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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, Respondent failed to comply with the MCL of 0.060 mg/L for HAA5 based on the LRAA, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within 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 five thousand dollars (\$5,000.00) 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). Respondent paid one hundred seventy dollars (\$170.00) of the penalty. The remaining amount of four thousand eight hundred thirty-eight dollars (\$4,830.00) shall be paid in thirty-five (35) monthly payments of one hundred thirty-eight dollars (\$138.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative 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 Respondent's compliance with all 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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Grand Harbor Water Supply Corporation, Docket No. 2021-0404-PWS-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. 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 HAA5, based on the LRAA, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions No. 2.a. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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 Respondent. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas (“OAG”) to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ’s jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. 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. 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

Erin E. Chamallop

02/07/22

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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Oscar Rohne

Signature - Oscar Rohne, President
Grand Harbor Water Supply Corporation
4101 W Green Oaks Blvd, Ste 305 PMB 188
Arlington, Texas 76016-6800

11/23/21

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