

Executive Summary – Enforcement Matter – Case No. 61376
Rio Water Supply Corporation
RN101456689
Docket No. 2021-1279-MLM-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

MLM – MSW, PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Rio Water Supply, 42 North Suntex Road, Rio Grande City, Starr 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: March 10, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,074

Amount Deferred for Expedited Settlement: \$1,844

Total Paid to General Revenue: \$7,260

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - N/A

Site/RN - N/A

Major Source:

PWS - Major

MSW - Minor

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: July 14, 2021

Date(s) of NOE(s): August 31, 2021

Executive Summary – Enforcement Matter – Case No. 61376
Rio Water Supply Corporation
RN101456689
Docket No. 2021-1279-MLM-E

Violation Information

1. Failed to create a nitrification action plan for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
2. Failed to maintain a disinfection residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on July 14, 2021, a total chlorine residual concentration of 0.09 mg/L was measured at 670 Alvarez Road [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste. Specifically, approximately 593 cubic yards of sludge were observed in two sludge beds and a pile of dried sludge along the south fence line outside of the Facility [30 TEX. ADMIN. CODE § 330.15(a) and (c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Create a nitrification action plan;

ii. Determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual concentration of at least 0.5 mg/L total chlorine throughout the distribution system; and

iii. Remove all the sludge from the two sludge beds and pile of dried sludge along the south fence line outside of the Facility and dispose of it at an authorized Facility.

b. Within 45 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 61376
Rio Water Supply Corporation
RN101456689
Docket No. 2021-1279-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Nick Lohret-Froio, Enforcement Division,
Enforcement Team 4, MC 219, (512) 239-4495; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Oscar Guerra, Jr., President, Rio Water Supply Corporation, 42 North
Suntex Road, Rio Grande City, Texas 78582

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021			
	PCW	1-Oct-2021	Screening	20-Sep-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Rio Water Supply Corporation				
Reg. Ent. Ref. No.	RN101456689				
Facility/Site Region	15-Harlingen	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	61376	No. of Violations	1		
Docket No.	2021-1279-MLM-E	Order Type	1660		
Media Program(s)	Municipal Solid Waste	Government/Non-Profit	Yes		
Multi-Media	Public Water Supply	Enf. Coordinator	Nick Lohret-Froio		
		EC's Team	Enforcement Team 8		
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$25,000		

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$3,750
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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	65.0%	Adjustment	Subtotals 2, 3, & 7	\$2,437
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Notes: Enhancement for two agreed orders containing a denial of liability and one agreed order 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: \$877
 Estimated Cost of Compliance: \$15,355
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$6,187
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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	\$6,187
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$6,187
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,237
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$4,950
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Screening Date 20-Sep-2021

Docket No. 2021-1279-MLM-E

PCW

Respondent Rio Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 61376

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101456689

Media Municipal Solid Waste

Enf. Coordinator Nick Lohret-Froio

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>)	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	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) 65%

>> 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 two agreed orders containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 20-Sep-2021 **Docket No.** 2021-1279-MLM-E **PCW**
Respondent Rio Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 61376 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101456689
Media Municipal Solid Waste
Enf. Coordinator Nick Lohret-Froio

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 330.15(a) and (c)

Violation Description Caused, suffered, allowed, or permitted the unauthorized disposal of municipal solid waste. Specifically, approximately 593 cubic yards of sludge were observed in two sludge beds and a pile of dried sludge along the south fence line outside of the Facility.

Base Penalty \$25,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes Human health or the environment has been exposed to an insignificant amount of pollutants which does not exceed levels protective of human health or environmental receptors as a result of the violation.

Adjustment \$21,250

\$3,750

Violation Events

Number of Violation Events 1 68 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

One quarterly event is recommended, calculated from the investigation date, July 14, 2021, to the screening date, September 20, 2021.

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 \$3,750

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

Estimated EB Amount \$877 **Violation Final Penalty Total** \$6,188

This violation Final Assessed Penalty (adjusted for limits) \$6,188

Economic Benefit Worksheet

Respondent Rio Water Supply Corporation
Case ID No. 61376
Reg. Ent. Reference No. RN101456689
Media Municipal Solid Waste
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	\$15,355	14-Jul-2021	4-Sep-2022	1.14	\$877	n/a	\$877
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 remove the sludge from the two sludge beds and pile of dried sludge along the south fence line of the Facility and dispose of it at an authorized Facility, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$15,355

TOTAL

\$877



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	7-Sep-2021	Screening	20-Sep-2021	EPA Due	
	PCW	1-Oct-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	Rio Water Supply Corporation
Reg. Ent. Ref. No.	RN101456689
Facility/Site Region	15-Harlingen
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	61376	No. of Violations	2
Docket No.	2021-1279-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Municipal Solid Waste	Enf. Coordinator	Nick Lohret-Froio
		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	\$1,750
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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	65.0% Adjustment	Subtotals 2, 3, & 7	\$1,137
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Notes: Enhancement for two agreed orders containing a denial of liability and one agreed order 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: \$21
 Estimated Cost of Compliance: \$380
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,887
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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	\$2,887
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,887
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DEFERRAL	20.0%	Reduction	Adjustment	-\$577
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,310
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Screening Date 20-Sep-2021

Docket No. 2021-1279-MLM-E

PCW

Respondent Rio Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 61376

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101456689

Media Public Water Supply

Enf. Coordinator Nick Lohret-Froio

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>)	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	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) 65%

>> 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 two agreed orders containing a denial of liability and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 65%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 65%

Screening Date 20-Sep-2021
Respondent Rio Water Supply Corporation
Case ID No. 61376
Reg. Ent. Reference No. RN101456689
Media Public Water Supply
Enf. Coordinator Nick Lohret-Froio

Docket No. 2021-1279-MLM-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(z)

Violation Description Failed to create a nitrification action plan for all systems distributing chloraminated water.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual					Percent 0.0%
Potential						

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 20.0%

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

Adjustment \$4,000

\$1,000

Violation Events

Number of Violation Events 1 68 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$1,650

This violation Final Assessed Penalty (adjusted for limits) \$1,650

Economic Benefit Worksheet

Respondent Rio Water Supply Corporation
Case ID No. 61376
Reg. Ent. Reference No. RN101456689
Media Violation No. Public Water Supply
 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)	\$180	14-Jul-2021	4-Sep-2022	1.14	\$10	n/a	\$10

Notes for DELAYED costs

The delayed cost includes the estimated amount to create a nitrification action plan, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$10

Screening Date 20-Sep-2021 **Docket No.** 2021-1279-MLM-E **PCW**
Respondent Rio Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 61376 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101456689
Media Public Water Supply
Enf. Coordinator Nick Lohret-Froio

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(B) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)
Violation Description Failed to maintain a disinfection residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times. Specifically, on July 14, 2021, a total chlorine residual concentration of 0.09 mg/L was measured at 670 Alvarez Road.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes: Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events: 1 68 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the investigation date, July 14, 2021, to the screening date, September 20, 2021.

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 \$750

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$11 **Violation Final Penalty Total** \$1,238

This violation Final Assessed Penalty (adjusted for limits) \$1,238

Economic Benefit Worksheet

Respondent Rio Water Supply Corporation
Case ID No. 61376
Reg. Ent. Reference No. RN101456689
Media Violation No. Public Water Supply
 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)	\$200	14-Jul-2021	4-Sep-2022	1.14	\$11	n/a	\$11

Notes for DELAYED costs The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.5 mg/L total chlorine throughout the distribution system, calculated from the investigation date to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$11

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Compliance History Report

Compliance History Report for CN600666408, RN101456689, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600666408, Rio Water Supply Corporation
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101456689, RIO WATER SUPPLY
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 42 NORTH SUNTEX ROAD NEAR RIO GRANDE CITY, STARR COUNTY, TEXAS

TCEQ Region: REGION 15 - HARLINGEN

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2140016

Compliance History Period: September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

Date Compliance History Report Prepared: February 24, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 24, 2017 to February 24, 2022

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Julianne Matthews **Phone:** (817) 588-5861

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 06/27/2018 ADMINORDER 2016-2013-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
Description: Failure to provide an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the map did not indicate where valves and mains were located.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)
30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting.
- 2 Effective Date: 12/18/2019 ADMINORDER 2018-1432-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the annual tank inspection form for the standpipe at the Alvarez Booster Station identified problems with the protective coating, air vents, and cathodic protection anode plate, and recommends that the interior of the tank be inspected by a diver. Additionally, rust was identified on the exterior.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, with 1,884 service connections, the Facility is required to provide 188,400 gallons of elevated storage capacity. However, no elevated storage capacity was provided, indicating a 100% deficiency.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use to comply with the monitoring requirements. Specifically, not all sampling locations, frequency, analytical procedures, and laboratories were included.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(3)

Description: Failure to locate the raw water pump station in a well-drained area and design the raw water pump station to remain in operation during flood events. Specifically, drainage during rain events creates flooding and excessive siltation on top of the raw water pump station.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the interior of the clearwell should be inspected and the exterior of the tank has rust on the panels.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failure to provide adequate ventilation, which includes high level and floor level screened vents, for all enclosures in which gas chlorine is being stored or fed. Specifically, the fan in the chlorine contact room was not drawing air through the top vent and discharging to the outside.

Classification: Moderate

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the annual tank inspection form for the ground storage tank ("GST") at the Hernandez Booster Station identified problems with the protective coating, air vents, cathodic protection anode plates, and roof hatch and recommends that the interior of the tank be inspected by a diver. Additionally, there was rusting and pitting

Classification: Minor

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

Description: Failure to provide a transfer pump capacity of 0.6 gallons per minute ("gpm") per connection with the largest pump out of service. Specifically, with 1,884 service connections, the Facility is required to provide 1,130 gpm of transfer pump capacity. However, the Facility only provided a transfer pump capacity of 700 gpm with the largest pump out of service, which is a 38% deficiency.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failure to provide a full-face self-contained breathing apparatus ("SCBA") or supplied air respirator that meets Occupational Safety and Health Administration standards for construction and operation and is readily accessible outside the chlorination room and immediately available to the operator in the event of an emergency. Specifically, the supplied air tank for the SCBA was empty.

Classification: Minor

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

Description: Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the two booster pumps at the Alvarez Booster Station were not operational.

3 Effective Date: 08/18/2020 ADMINORDER 2019-0970-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL/MIN MR YR2018 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the annual monitoring period from 01/01/2018 to 12/31/2018 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO3 MR YR2018 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2018 to 12/31/2018 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.107(c)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: VOC MR YR2018 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2018 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 06/01/2014 to 09/30/2014- 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 reduced monitoring period from 01/01/2012 to 12/31/2014.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 2	August 21, 2019	(1582418)
Item 3	January 19, 2022	(1782640)

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
RIO WATER SUPPLY
CORPORATION
RN101456689**

**§
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§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-1279-MLM-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 Rio Water Supply Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE chs. 341 and 361 and TEX. WATER CODE ch. 7. 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 42 North Suntex Road near Rio Grande City, Starr County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 2,018 service connections, and serves at least 25 people per day for at least 60 day per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility involves or involved the management of municipal solid waste ("MSW") as defined in TEX. HEALTH & SAFETY CODE ch. 361.
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE §§ 7.002, 7.051, and 7.073 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 chs. 341 and 361, 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 \$9,074 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$7,260 of the penalty and \$1,814 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.

II. ALLEGATIONS

During an investigation conducted on July 14, 2021, an investigator documented that the Respondent:

1. Failed to create a nitrification action plan for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
2. Failed to maintain a disinfection residual of at least 0.5 milligrams per liter ("mg/L") of chloramine (measured as total chlorine) throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(B) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, on July 14, 2021, a total chlorine residual concentration of 0.09 mg/L was measured at 670 Alvarez Road.
3. Caused, suffered, allowed, or permitted the unauthorized disposal of MSW, in violation of 30 TEX. ADMIN. CODE § 330.15(a) and (c). Specifically, approximately 593 cubic yards of sludge were observed in two sludge beds and a pile of dried sludge along the south fence line outside of the Facility.

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: Rio Water Supply Corporation, Docket No. 2021-1279-MLM-E" to:

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

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Create a nitrification action plan, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - ii. Determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual concentration of at least 0.5 mg/L total chlorine throughout the distribution system, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.110; and
 - iii. Remove all the sludge from the two sludge beds and pile of dried sludge along the south fence line outside of the Facility and dispose of it at an authorized Facility, in accordance with 30 TEX. ADMIN. CODE § 330.15.
 - b. Within 45 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii. 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:

Water Section Manager
Harlingen Regional Office
Texas Commission on Environmental Quality
1804 West Jefferson Avenue
Harlingen, Texas 78550-5247

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. If the Respondent fails to comply with Ordering Provision No. 2.a.iii in this Order within the prescribed schedule, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
6. 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.
7. 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.
8. 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.

9. 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

For the Executive Director

Date

6/16/2023

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
11-14-22

OSCAR Guerra, Jr

Name (Printed or typed)
Authorized Representative of
Rio Water Supply Corporation

PRESIDENT Board DIRECTOR

Title

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

Instructions: Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.