Executive Summary – Enforcement Matter – Case No. 61612 HARTLEY WATER SUPPLY CORPORATION RN101441152 Docket No. 2021-1529-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Hartley WSC, 700 West White Street, Hartley, Hartley 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: September 23, 2022

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,986

Total Paid to General Revenue: \$1,330 Total Due to General Revenue: \$2,656

Payment Plan: 2 payments of \$1,328 each

Compliance History Classifications:

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

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A

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

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

Executive Summary – Enforcement Matter – Case No. 61612 HARTLEY WATER SUPPLY CORPORATION RN101441152 Docket No. 2021-1529-PWS-E

Violation Information

- 1. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director ("ED") regarding the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED [30 Tex. ADMIN. CODE \S 290.122(c)(2)(A) and (f)].
- 2. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the ED along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements [30 Tex. ADMIN. CODE § 290.117(i)(6) and (j)].
- 3. Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the ED, and failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the ED [30 Tex. ADMIN. CODE §§ 290.117(e)(2), (h), and (i)(3), and 290.122(c)(2)(A) and (f)].
- 4. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED [30 Tex. ADMIN. CODE \S 290.117(h) and (i)(1)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has provided consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2020 through December 31, 2020 monitoring period and submitted to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements by March 3, 2022.

Technical Requirements:

The Order will require the Respondent to:

a. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period and ensure that the samples are analyzed and the results reported to the ED.

Executive Summary - Enforcement Matter - Case No. 61612 HARTLEY WATER SUPPLY CORPORATION RN101441152 Docket No. 2021-1529-PWS-E

b. Within 30 days:

- i. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods, and regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the ED for the January 1, 2020 through June 30, 2020 monitoring period;
- ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the ED; and
- iii. Update the chain-of-custody form and correctly report the results of lead and copper monitoring to the ED for the July 1, 2020 through December 31, 2020 and January 1, 2021 through June 30, 2021 monitoring periods.
- c. Within 45 days, submit written certification to demonstrate compliance with b.
- d. Within 195 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: America Ruiz, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2601; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jackie Bainum, Director, HARTLEY WATER SUPPLY CORPORATION (PCW No. 2), P.O. Box 17, Hartley, Texas 79044

John Frantz, Board Member, HARTLEY WATER SUPPLY CORPORATION (PCW No. 2),

P.O. Box 17, Hartley, Texas 79044 **Respondent's Attorney:** N/A



STATUTORY LIMIT ADJUSTMENT

Notes

PAYABLE PENALTY

Reduces the Final Assessed Penalty by the indicated percentage.

DEFERRAL

Penalty Calculation Worksheet (PCW)

THE PROPERTY OF	Policy Re	ا Vision 5 (January 28)	. 2021)	Julatio	II WUIKS	neet (FC	,	on February 11, 2021
DATES	Assigned	22-Nov-2021						
	PCW	30-Nov-2021	Screening 30	-Nov-2021	EPA Due	31-Dec-2021		
RESPO	NDENT/FACILI			DATION (D	2011			
Pos	Respondent J. Ent. Ref. No.	HARILEY WAIE	R SUPPLY CORPO	RATION (PO	W No. 1)			
	ty/Site Region				Major/N	Minor Source	Minor	
	ey, one negron	1 / 111011110					111101	
	NFORMATION							
Ent	f./Case ID No.				No.	of Violations		
		2021-1529-PWS				Order Type		
меа	lia Program(s) Multi-Media		оріу			t/Non-Profit Coordinator		
	Multi-Media				EIII.		Enforcement Tea	ım 2
Adn	nin. Penalty \$ L	imit Minimum	\$50 Ma	ximum	\$1,000	LC 3 TCam	Linoreciment rec	1111 Z
21011			Ψ33 [110.		41/000			
			•		tion Secti	on		
TOTAI	L BASE PENA	LTY (Sum of	violation bas	se penali	ties)		Subtotal 1	\$100
A D 1116	CTMENTS ()	/	OTAL 1					
	STMENTS (+)		JIAL I g the Total Base Pena	alty (Subtotal 1) by the indicated	nercentage		
	Compliance His		g the rotal base rene	17.0%	Adjustment		tals 2, 3, & 7	\$17
	Notes	Enhancement f	or three NOVs w		•	ions and one		
	l -						<u> </u>	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Re	spondent does n	ot meet the	culpability crit	eria.		
	l							
	Good Faith Effe	ort to Comply T	otal Adjustmen	ıts			Subtotal 5	\$0
								
	Economic Bene				Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$9 \$125	*Cappe	d at the Total EB \$	Amount		
SUM C	OF SUBTOTAL	LS 1-7				F	inal Subtotal	\$117
OTHE	R FACTORS A	AS JUSTICE N	1AY REQUIRE		0.0%		Adjustment	\$0
veduces (or emidiices the Fillal	Subtotal by tile illul	cated percentage.					
	Notes							
	<u>I</u>					Final Pen	alty Amount	\$117

No deferral is recommended for Findings Orders.

Final Assessed Penalty

Adjustment

Reduction

0.0%

\$117

\$117

\$0

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 1)

Case ID No. 61612

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

Compliance	Compliance History Worksheet History Site Enhancement (Subtotal 2)								
 Compliance Compone 		Number	Adjust.						
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	3	15%						
	Other written NOVs	1	2%						
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%						
Order	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%						
Judgme and Cons		0	0%						
Decree	Any adjudicated final court judgments and detault judgments, or non-adjudicated		0%						
Convicti	counts)	0	0%						
Emissio	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%						
/ tudics	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%						
	Environmental management systems in place for one year or more	No	0%						
Other	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 Per	centage (Sub	total 2) 1	179					
Repeat Viola	N/A Adjustment Per	contago (Sub	statal 2)	0%					
Compliance	History Person Classification (Subtotal 7)	centage (Sub	total 5)	0 /(
Compliance									
N/A Adjustment Percentage (Subtotal 7) 0%									
Compliance	History Summary								
Complia Histor Note:	y violations.	th dissimilar							
	Total Compliance History Adjustment Percentage (Subtotals 2,	3, & 7) 1	17%					
Final Complia	nce History Adjustment								
	Final Adjustment Percent	age *capped	at 100% 1	17%					

	Screening Date			ocket No. 2021-1529-PWS-E	PCW
	Respondent	HARTLEY WATER S	SUPPLY CORPORATIO	N (PCW No. 1)	Policy Revision 5 (January 28, 2021)
	Case ID No.				PCW Revision February 11, 2021
Reg.	Ent. Reference No.	RN101441152			
		Public Water Supp	ly		
	Enf. Coordinator				
	Violation Number	1			
	Rule Cite(s)	3	0 Tex. Admin. Code	§ 290.122(c)(2)(A) and (f)	
	Violation Description	accompanied w regarding the fai sample sites, hav	with a signed Certifica ilure to collect lead a re the samples analyz	nd submit a copy of the public notifiate of Delivery, to the Executive Din nd copper tap samples at the requi zed, and report the results to the E rough June 30, 2018 monitoring pe	rector red ten xecutive
				Base	Penalty \$1,000
>> Env	vironmental, Prope	rty and Human	Health Matrix		
			Harm		
OB	Release	Major M	Moderate Minor		
OR	Actual			Porcent 0.00/	
	Potential			Percent 0.0%	
>>Pro	grammatic Matrix				
////	Falsification	Major M	Moderate Minor		
		х		Percent 10.0%	
			'		
	Matrix Notes	100% (of the rule requireme	ents were not met.	
	Notes				
				Adjustment	\$900
					\$100
					4100
Violatio	on Events				
	Number of \	/iolation Events	1	873 Number of violation of	lays
		daily			
		daily weekly			
		monthly			
		quarterly		Violation Base	Penalty \$100
		semiannual		5101411011 2400	, , , , , , , , , , , , , , , , , , ,
		annual			
		single event	Х		
		0	ne single event is re	commended.	
Good F	aith Efforts to Com	nlv	0.0%	D	eduction \$0
Good I	artir Error to to com			EDPRP/Settlement Offer	eduction
		Extraordinary			
		Ordinary			
		N/A	Х		
				not most the good faith with wi	
		Notes		not meet the good faith criteria this violation.	
			101 1	ins violation.	
				Violation 9	Subtotal \$100
Econor	nic Benefit (EB) for	this violation		Statutory Limit	Test
	Fstimate	ed EB Amount	4	9 Violation Final Pena	Ity Total \$117
			_		7447
				l Assessed Penalty (adjusted fo	r limits) \$117

	E	conomic	Benefit '	Wor	ksheet		
Desnondent		ER SUPPLY CORP					
Case ID No.		LIC SOLLET CORT	OIATION (I CW	140. 1)			
Reg. Ent. Reference No.							
							V
	Public Water S	upply				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	8-Nov-2021	12-Nov-2022	1.01	\$5	n/a	\$5
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$25	10-Jul-2019	12-Nov-2022	0.00 3.35	\$0 \$4	n/a	\$0 \$4
Other (as needed)	\$23	10-Jui-2019	12-1100-2022	3.33	\$4	n/a	\$4
			ns are provided i	n a tim		plement procedures lated from the reco	
			to the estim	ateu ua	te or compliance.		
Notes for DELAYED costs	The other (a	s needed) delave	d cost includes t	ha astii	mated amount to e	ensure that the deli	nguent public
Notes for DELATED Costs	•	, ,				ons served by the l	·
						of Delivery, is subn	
		•			_	ation to the estima	
	LXECUTIVE	Director, calcula		compli	•	ation to the estima	ted date of
				compile	ince.		
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0	\$0
ounce (as necessar)				0.00	Ψ0	Ψ0	Ψ0
Notes for AVOIDED costs							
		4405			T0=11		40
Approx. Cost of Compliance		\$125			TOTAL		\$9



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES Assigned 22-Nov-2021

RESPONDENT/FACILITY INFORMATION

PCW 30-Nov-2021 Scre

Screening 30-Nov-2021

EPA Due 31-Dec-2021

Rec	g. Ent. Ref. No.	RN101441152	SUPPLY CORPOR	CATION (PO	_W No. 2)				1
	ty/Site Region				Major/M	linor Source	Minor		İ
	· · · · · ·								
	NFORMATION								
En	f./Case ID No.				No. o	of Violations			
		2021-1529-PWS-I				Order Type			
Med		Public Water Supp	oly			t/Non-Profit			
	Multi-Media				Enf.	Coordinator		_	
			+50	-	\F.000	EC's Team	Enforcement 1	eam 2	1
Adr	min. Penalty \$ 1	Limit Minimum	\$50 Max	imum	\$5,000				
			D 11 6		6				
			Penalty (Laicula	tion Secti	on			
TOTA	L BASE PENA	ALTY (Sum of v	violation bas	e penal	ties)		Subtotal 1		\$3,350
		/							
ADJU		/-) TO SUBTO btained by multiplying to		n. (Cubboboli	1 \	n a vaa n b n a a			
	Compliance Hi		the Total base Penali	17.0%	Adjustment		tals 2, 3, & 7		\$569
	Compnance m						lais 2, 3, & 7	t	4303
	Notes	Enhancement fo				ions and one			
	.10100		NOV with dis	similar vio	lations.				
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notos	The Dec	nandant dags na	t most the	s culpability crity	orio			
	Notes	The Res	pondent does no	t meet me	culpability Crite	ena.			
	Good Faith Fff	ort to Comply To	tal Adjustment	·s			Subtotal 5		-\$50
		ort to compry re						<u> </u>	755
	Economic Ben				Enhancement*		Subtotal 6		\$0
	Estimated	Total EB Amounts I Cost of Compliance	\$452 \$750	*Cappe	d at the Total EB \$	Amount			
	Estimated	cost of compliance	\$730						
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal		\$3,869
56.1	0. 000.01%					•	mar Subtotar	<u> </u>	Ψ5/555
OTHE	R FACTORS	AS JUSTICE MA	AY REQUIRE		0.0%		Adjustment		\$0
		I Subtotal by the indica	•		0.0 70		Aujustilielit	<u> </u>	Ψ0
			, and an in-]		
	Notes								
						Final Per	alty Amount		\$3,869
							•		· ,
STATI	UTORY LIMIT	T ADJUSTMEN	Т			Final Asse	ssed Penalty		\$3,869
			-				,	1	40/000
DEFE	RRAL				0.0%	Reduction	Adjustment		\$0
		enalty by the indicated	percentage.		0.0 /0		, injustinent	<u> </u>	7.0
	Notes	No de	eferral is recomm	ended for	Findings Orders	s.			
					_				
PAYA	BLE PENALT	Y							\$3,869

Screening Date 30-Nov-2021 Docket No. 2021-1529-PWS-E

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Policy Revision 5 (January 28, 2021)

PCW

PCW Revision February 11, 2021

Case ID No. 61612

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

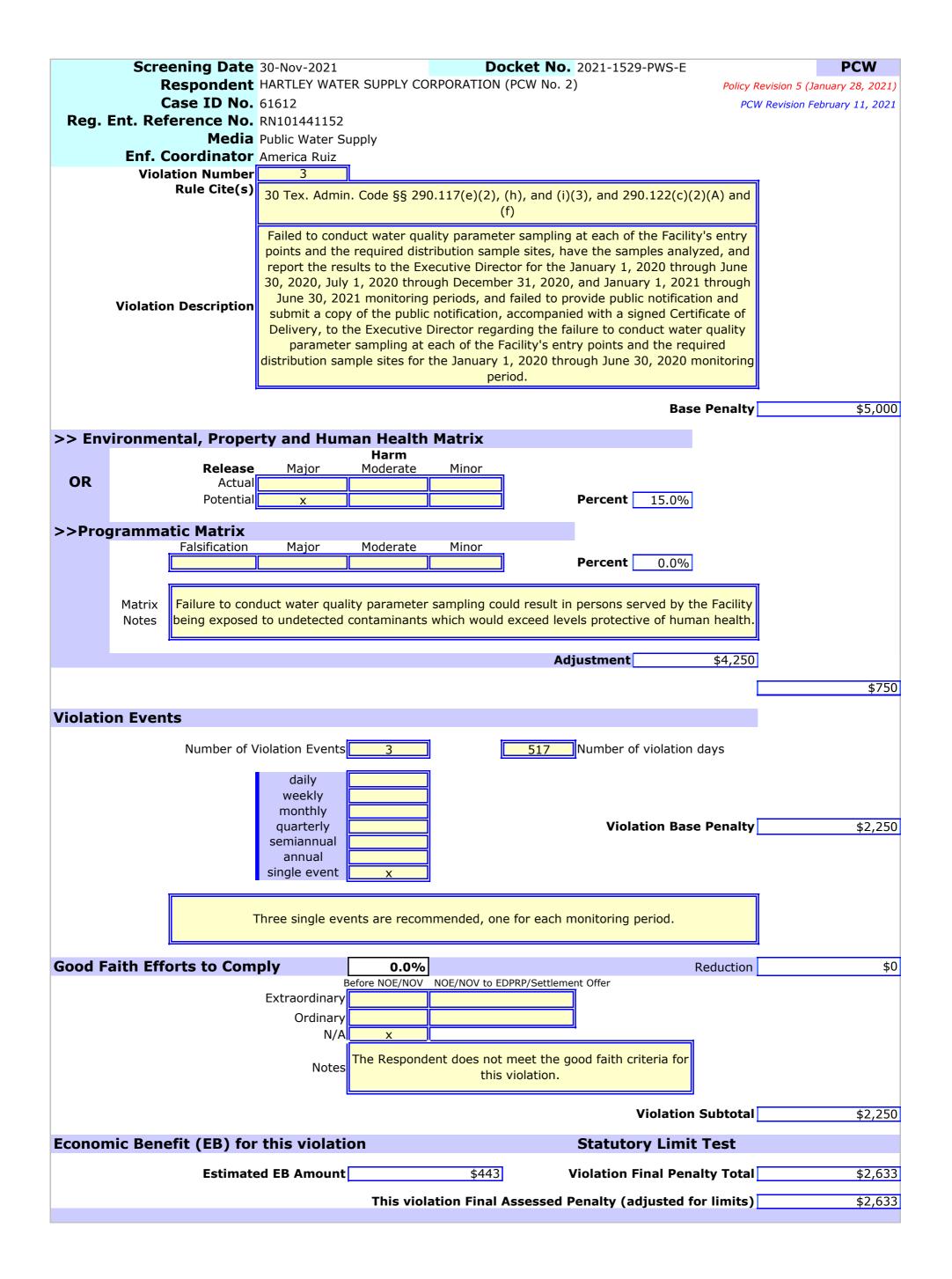
> Repeat Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) 0% > Compliance History Person Classification (Subtotal 7) N/A Adjustment Percentage (Subtotal 7) 0% > Compliance History Summary Compliance History Final Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment	_		Compliance History Worksheet			
NOVs Nover the current enforcement action (number of NOVs meeting criteria) 3 15%				Number	Adjust.	
Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) Orders Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal of government, or any final prohibitory emergency orders issued by the commission of liability of this state or the federal government, or any final prohibitory emergency orders issued by the commission of liability of this state or the federal government (number of judgments or of liability of this state or the federal government (number of judgments or or the federal government (number of judgment			Written notices of violation ("NOVs") with same or similar violations as those in	3		
Orders Orders 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 of liability of this state or the federal government (number of judgments or on-adjudicated final court judgments or consent decrees controlling a denial of liability of this state or the federal government (number of judgments or on-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 (number of judgments or one-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or consent decrees were final court judgments or consent decrees without a denial of liability, of this state or the federal government (number of judgments or consent decrees were final court judgments or consent decrees were without a denial of liability, of this state or the federal government (number of judgments or consent decrees were without a denial of liability, of this state or the federal government (number of judgments or consent decrees were without a denial of liability, of this state or the federal government final court judgments were such as a few final court judgments or consent decrees were without a denial of liability, of this state or the federal government final court judgments or consent decrees were without a denial of liability, of this state or federal government final court judgments were such as a few final court final court judgments or consent decrees were without a denial of liability or final court final court final court final court final court final court judgment final court final court judgment final cour				1	2%	
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Judgments and Consent Decrees of the state or the federal government (number of judgments or consent decrees meeting criteria) 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 (number of or the federal government (number of counts) Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) O 0% Emissions Chronic excessive emissions events (number of events) O 0% Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were of sicclosed) Environmental management systems in place for one year or more No 0% Voluntary on-site compliance assessments conducted by the executive director No 0% Under a special assistance program Participation in a voluntary pollution reduction program No 0% Early compliance with, or offer of a product that meets future state or federal No 0% **Adjustment Percentage (Subtotal 2) 17%* **Repeat Violator (Subtotal 3)		Orders	without a denial of liability, or default orders of this state or the federal	0	0%	
Decrees final court judgments and ceraust judgments, or non-aquidicated or the federal government or consent decrees without a denial of liability, of this state or the federal government Convictions Any criminal convictions of this state or the federal government (number of counts) Emissions Chronic excessive emissions events (number of events) 0 0 0% Emissions Chronic excessive emissions events (number of events) 0 0 0% Later the test sotifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were discloser) 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 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 Adjustment Percentage (Subtotal 2) 17% Repeat Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 7) 0% Compliance History Person Classification (Subtotal 7) N/A Adjustment Percentage (Subtotal 7) 0% Compliance History Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		_	of liability of this state or the federal government (number of judgments or	0	0%	
Emissions Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Audits Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosered) Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program No 0% Adjustment Percentage (Subtotal 2) 17% Adjustment Percentage (Subtotal 3) 0% Compliance History Person Classification (Subtotal 7) 0% Compliance History Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment			final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%	
Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) 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% Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Percentage (Subtotal 2) 17% Repeat Violator (Subtotal 3) Adjustment Percentage (Subtotal 3) 0% Compliance History Person Classification (Subtotal 7) Adjustment Percentage (Subtotal 7) 0% Compliance History Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		Convictions	,	0	0%	
Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted) Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) 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 Participation in a voluntary pollution reduction program Adjustment Percentage (Subtotal 2) 17% 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 Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		Emissions	Chronic excessive emissions events (number of events)	0	0%	
Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed) Voluntary on-site compliance assessments conducted by the executive director under a special assistance program		Audito	Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature,	0	0%	
Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program No 0% Adjustment Percentage (Subtotal 2) 17% 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 Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		Addits	Privilege Act, 74th Legislature, 1995 (number of audits for which violations were	0	0%	
Voluntary on-site compliance assessments conducted by the executive director under a special assistance program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program Participation in a voluntary pollution reduction program No 0% Adjustment Percentage (Subtotal 2) 17% 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 Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment						
Other Under a special assistance program Participation in a voluntary pollution reduction program No 0% Adjustment Percentage (Subtotal 2) 17% Repeat Violator (Subtotal 3) N/A Adjustment Percentage (Subtotal 3) N/A Adjustment Percentage (Subtotal 7) N/A Adjustment Percentage (Subtotal 7) N/A Compliance History Summary Compliance History Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) Final Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) Final Compliance History Adjustment			Environmental management systems in place for one year or more	No	0%	
Participation in a voluntary pollution reduction program Early compliance with, or offer of a product that meets future state or federal government environmental requirements Adjustment Percentage (Subtotal 2) 17% 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 Summary Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		Other	· · · · · · · · · · · · · · · · · · ·	No	0%	
government environmental requirements			Participation in a voluntary pollution reduction program	No	0%	
> 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 Finance History Notes Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment			, , ,	No	0%	
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 Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment			Adjustment Per	centage (Sub	total 2)	17%
> Compliance History Person Classification (Subtotal 7) N/A Adjustment Percentage (Subtotal 7) 0% > Compliance History Summary Compliance History Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment	> Rep	eat Violator ((Subtotal 3)			
N/A Adjustment Percentage (Subtotal 7) 0% Compliance History Summary Compliance History Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% Final Compliance History Adjustment		N/A	Adjustment Per	centage (Sub	total 3)	0%
> Compliance History Summary Compliance History Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment	> Com	npliance Histo	ory Person Classification (Subtotal 7)			
Compliance History Notes Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations. Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment		N/A	Adjustment Per	centage (Sub	total 7)	0%
History Notes Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 17% > Final Compliance History Adjustment	> Com	pliance Histo	ory Summary		_	
> Final Compliance History Adjustment		History		th dissimilar		
				Subtotals 2,	<i>3,</i> & <i>7)</i> [17%
Timal Majuscinient 1 di contago Cappea at 200 % 17 %	> Final	Compliance	•	age *capped	at 100%	17%

Screening	Date 30-Nov-2021	Do	ocket No. 2021-1529-PWS-E	PCW
Respo	ndent HARTLEY WATE	ER SUPPLY CORPORATION	l (PCW No. 2)	Policy Revision 5 (January 28, 2021)
Case 1	ID No. 61612			PCW Revision February 11, 2021
Reg. Ent. Reference	ce No. RN101441152			
	Media Public Water S			
	inator America Ruiz	,		
Violation N	Number 1	1		
Rule	Cite(s)			
Kule	Cite(s)	30 Tex. Admin. Code §	290.122(c)(2)(A) and (f)	
	Failed to prov	vide nublic notification an	d submit a copy of the public notif	ication
	The state of the s	The state of the s	te of Delivery, to the Executive Di	
Violation Desc	· ·	_	d copper tap samples at the requi	
			ed, and report the results to the E	
	Director for	the July 1, 2018 through	December 31, 2018 monitoring p	eriod.
			Base	Penalty \$5,000
			Dube	+3,000
>> Environmental,	Property and Hum	nan Health Matrix		
	3 -1	Harm Madagata Minag		
OR	Release Major Actual	Moderate Minor	¬	
	Potential		Percent 0.0%	
r	otential		Percent 0.0%	
>>Programmatic M	atrix			
_	fication Major	Moderate Minor		
	Х		Percent 10.0%	
	<u>'</u>			
Matrix				
Matrix Notes	100	0% of the rule requiremer	nts were not met.	
Notes				
			Adjustment	\$4,500
				\$500
				4000
Violation Events				
N1	alaa aa 6 Malatiaa Essanta		Number of distance	1
Nun	nber of Violation Events	1	Number of violation of	lays
	daily			
	weekly			
	monthly			
	quarterly		Violation Base	Penalty \$500
	semiannual			
	annual			
	single event	X		
		One single event is rec	ommended.	
		one omgre event is rec		
Good Faith Efforts t		0.0%		Reduction \$0
		Before NOE/NOV NOE/NOV to	EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	X		
	•• •	The Respondent does r	not meet the good faith criteria	
	Notes	•	nis violation.	
			Violation	Subtotal \$500
Economic Benefit (E	B) for this violati	on	Statutory Limit	Test
			A	I T
	Estimated EB Amount	\$4	Violation Final Pena	Ity Total \$585
		This violation Final	Assessed Penalty (adjusted fo	r limits) \$585
		2	Title Time, (majacta io	+303

	E	conomic	Benefit	Wor	ksheet			
		ER SUPPLY CORPO	ORATION (PCW	No. 2)				
Case ID No.								
Reg. Ent. Reference No. Media Violation No.	Public Water S					Percent Interest	Years of Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
Delayed Costs		<u>, , , , , , , , , , , , , , , , , , , </u>		1 0 00	+0	+0	+0	
Equipment				0.00	\$0	\$0 #0	\$0 ¢0	
Buildings Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Land				0.00	\$0	n/a	\$0	
Record Keeping System				0.00	\$0	n/a	\$0	
Training/Sampling				0.00	\$0	n/a	\$0	
Remediation/Disposal				0.00	\$0	n/a	\$0	
Permit Costs				0.00	\$0	n/a	\$0	
Other (as needed)	\$25	10-Jan-2020	12-Nov-2022	2.84	\$4	n/a	\$4	
Notes for DELAYED costs	The other (a notification (\$ of the public Director, c	The training/sampling delayed cost to implement procedures to ensure that all necessary public notifications are provided in a timely manner is captured in the Economic Benefit Calculation Worksheet for Violation No. 1 on PCW No. 1. The other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.						
Avoided Costs	ANNU	ALIZE avoided c	osts before er			one-time avoided		
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	<u>\$0</u>	\$0 #0	\$0 ¢0	
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
ONE-TIME avoided costs				0.00	\$0	\$0	\$0 \$0	
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0	
Notes for AVOIDED costs								
Approx. Cost of Compliance		\$25			TOTAL		\$4	

Respondent IARTLEY WATER SUPPLY CORPORATION (PCW No. 2) Rose 1D No. 16127 Reg. Ent. Reference No. RN101441152 Media public Water Supply Enf. Coordinator America Rulz Violation Number Violation Description Violation Description Violation Description Violation Description Violation Description Violation Description Reglease Major Media public Water Supply Environmental, Property and Human Health Matrix Harm Release Major Media public Water Supply Service Media Number of Violation Rule Water Supply Service Media Number of Water Supply Water Su		Screening Date	30-Nov-2021	Docket No. 2021-1529-PWS-E	PCW
Reg. Ent. Reference No. RNL01441152 Media Public Water Supply Enf. Coordinator America Rus Violation Number 2 30 Tex. Admin. Code § 290.117(i)(6) and (j) Palled to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) this were tested, and falled to mail a copy of the onsumer notification of lead tap water monitoring results to persons served at the sites (taps) this were tested, and falled to mail a copy of the onsumer notification of leads that were tested, and falled to mail a copy of the onsumer notification of leads and part of the mail a copy of the onsumer notification of leads and part of the mail a copy of the onsumer notification of leads and part of the mail a copy of the onsumer notification of leads and part of lead to persons even day that the consumer notification of leads and part of lead to a mainter consistent with the consumer notification of leads and part of lead to a mainter consistent with the consumer notification of leads and part of lead to a mainter of leads and the service of the mail a copy of the onsumer notification of lead to the service of the mail a copy of the onsumer notification of lead to the service of the mail a copy of the onsumer notification of lead to the part of leads and the mail a copy of the onsumer notification of leads and the service of the mail a copy of the onsumer notification of leads and the service of the mail a copy of the onsumer notification of leads and the service of the mail a copy of the onsumer notification of leads and the service of the mail a copy of the onsumer notification of the mail a copy of the onsumer notification of the mail a copy of the onsumer notification of the service of the mail a copy of the onsumer notification of the mail a copy of the onsumer notification of the mail a copy of the onsumer notification of the service of the mail a copy of the onsumer notification of the service of the mail and the mail a copy of the onsumer notification of the mail and the mail a copy of the		Respondent	HARTLEY WATER SUPPLY CO	RPORATION (PCW No. 2)	Policy Revision 5 (January 28, 2021)
Media Public Water Supply		Case ID No.	61612		PCW Revision February 11, 2021
Media Public Water Supply	Reg.	Ent. Reference No.	RN101441152		
Violation Number Rule Cite(s) Falled to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of a results to the Executive Director along with certification that the consumer notification of a seem distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. See Penalty Some Release Migor Moderate Minor Release Migor Moderate Minor Percent 0,0% >> Programmatic Matrix Falsification Major Moderate Minor Actual Percent 10,0% Works 100% of the rule requirements were not met. Adjustment 44,500 Violation Events Number of Violation Events 1 243 Number of violation days Violation Base Penalty 5500 Violation Events One single event is recommended. Good Faith Efforts to Comply Extraordinary Ordinary Why Matrix Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal 535 Economic Benefit (EB) for this violation Estimated EB Amount 53 Violation Final Penalty Total 5355					
Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.117(i)(6) and (j) Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. See Penalty \$5,000 **Septimonmental, Property and Human Health Matrix					
Rule Cite(s) Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification along been distributed in a manner consistent with TCRQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. **See Penalty** Percent					
Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification that were tested, and failed to mail a copy of the consumer notification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. Sase Penalty \$5,000 See Penalty \$6,000 See Penalty \$6,000 See Penalty \$6,000 See Penalty \$6,000					
Violation Description Violation Description Violation Description Violation Description TCEQ requirements for the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$5,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through becember 31, 2020 monitoring period. Base Penalty \$6,000 \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty \$6,000 Sequence of the July 1, 2020 through because 31, 2020 monitoring period. Base Penalty			30 Tex. /	Admin. Code § 290.117(i)(6) and (j)	
Violation Description Violation Description Violation Description Total Comment and Indication of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. Base Penalty \$5,000 **Separation** **Release** **Major** **Noterst** **Moderate** **Mo			Failed to provide a consum	ner notification of lead tap water monitoring result	s to
that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period. Base Penalty \$5,000 >> Environmental, Property and Human Health Matrix Harm Hoderate Minor Percent 0.0%			•	·	
See Penalty \$5,000		Violation Description	consumer notification of tap	results to the Executive Director along with certifi	cation
Sase Penalty \$5,000		violation Description	that the consumer notifica	ation has been distributed in a manner consistent	<mark>with </mark>
Sase Penalty \$5,000			TCEQ requirements for the		o <mark>ring</mark>
>> Environmental, Property and Human Health Matrix Harm				period.	
>> Environmental, Property and Human Health Matrix Harm					
Release Major Moderate Minor Potentia				Base Po	enalty \$5,000
Release Major Moderate Minor Potentia	>> Fnv	ironmental Prope	ty and Human Health	Matrix	
Release Major Moderate Minor Actual Potential Percent 0.0% >>Programmatic Matrix Falsification Major Moderate Minor Falsification Najor Moderate Minor Falsification Najor Moderate Minor Adjustment \$4,500 \$500 Violation Events Number of Violation Events 1 243 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event is recommended. Good Faith Efforts to Comply 10.0% NOT/NOV to EDPREYSettlement Offer Extraordinary Ordinary NAJA Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation \$300 Violation Final Penalty Total \$535		in online intary i rope.	_	Fidelix	
Potential Percent 0.0% >> Programmatic Matrix Falsification Major Moderate Minor Falsification Major Moderate Minor Falsification Major Moderate Minor Matrix 100% of the rule requirements were not met.		Release		Minor	
>>Programmatic Matrix Falsification Major Moderate Minor Matrix Notes 100% of the rule requirements were not met. Adjustment \$4,500 \$500 Violation Events Number of Violation Events 1 243 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event is recommended. Good Faith Efforts to Comply 10.0% NOE/NOV to EDPRE/Settlement Offer Extraordinary Ordinary x Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation 532 Estimated EB Amount \$3 Violation Final Penalty Total \$535	OR	Actua			
Falsification Major Moderate Minor Percent 10.0%		Potentia		Percent 0.0%	
Falsification Major Moderate Minor Percent 10.0%					
Matrix Notes Matrix Notes	>>Pro		Majau	Minar	
Matrix Notes Adjustment \$4,500 \$500		Faisification			
Adjustment \$44,500 Violation Events Number of Violation Events Number of Violation Events Violation Base Penalty semiannual annual single event x One single event is recommended. One single event is recommended. Good Faith Efforts to Comply 10.0% Before NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$535			X	Percent 10.0%	
Adjustment \$44,500 S500 Violation Events Number of Violation Events Number of Violation Events Number of Violation Events One single event is recommended. One single event is recommended. Good Faith Efforts to Comply Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$500					
Adjustment \$4,500 \$500 Violation Events Number of Violation Events 1 243 Number of violation days daily weekly monthly quarterly semiannual annual single event x One single event is recommended. Good Faith Efforts to Comply 10.0% Reduction \$50 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary X N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation \$535		Matrix	100% of the rule	e requirements were not met	
Violation Events Number of Violation Events 1		Notes	100 % of the fale	e requirements were not met.	
Violation Events Number of Violation Events 1					
Violation Events Number of Violation Events 1				Adjustment	\$4,500
Violation Events Number of Violation Events					
Number of Violation Events 1 243 Number of violation days daily					\$500
Number of Violation Events 1 243 Number of violation days daily	Violatio	on Events			
daily weekly monthly quarterly semiannual annual single event ix recommended. One single event is recommended. Stock	Violatio	on Events			
daily weekly monthly quarterly semiannual annual single event x		Number of	Violation Events 1	243 Number of violation day	S
Weekly monthly quarterly semiannual annual single event x One single event is recommended. One single event is recommended. Good Faith Efforts to Comply 10.0% Reduction \$50 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary x N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535				,	
Monthly quarterly semiannual annual single event X S500 Cone single event X S500			daily		
quarterly semiannual annual single event x S500 Good Faith Efforts to Comply 10.0% Reduction \$50 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary X Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535			· · · · · · · · · · · · · · · · · · ·		
Semiannual annual single event					
One single event is recommended. Good Faith Efforts to Comply 10.0% Reduction \$50 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary X Ordinary X Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535				Violation Base Po	enalty \$500
One single event is recommended. Good Faith Efforts to Comply 10.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$5535					
One single event is recommended. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total					
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535			Single event	4	
Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535					
Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total			One single	event is recommended.	
Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total					
Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total	Const	aith Effantate Ca	mlu sa asi		150
Extraordinary Ordinary N/A Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535	G000 F	aith Efforts to Com			uction \$50
Ordinary X Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535				NOL/NOV to EDFRY/Settlement Offer	
Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535			, <u> </u>	<u> </u>	
Notes The Respondent achieved compliance on March 3, 2022. Violation Subtotal \$450			· · · · · · · · · · · · · · · · · · ·	X	
Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535			N/AI		
Violation Subtotal \$450 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535			Notes The Pesnon	dent achieved compliance on March 3, 2022	
Economic Benefit (EB) for this violation Estimated EB Amount \$3 Violation Final Penalty Total \$535			Notes The Kesponi	dent demoved compliance on Plateit 3, 2022.	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$3 Violation Final Penalty Total \$535					
Estimated EB Amount \$3 Violation Final Penalty Total \$535				Violation Su	btotal \$450
Estimated EB Amount \$3 Violation Final Penalty Total \$535		-i- D	41.55. 1		
	Econor	nic Benefit (FR) for	this violation	Statutory Limit Te	ST
		Estimat	ed EB Amount	\$3 Violation Final Penalty	* Total \$535
inis violation Final Assessed Penalty (adjusted for limits) \$535			#1.1. ·	olation Final Assessed Benedic (- 1) (- 1)	imital
			This vio	piation Final Assessed Penalty (adjusted for I	imits) \$535

	E	conomic	Benefit	Wor	'ksheet		
Respondent	HARTLEY WAT	ER SUPPLY CORPO	DRATION (PCW	No. 2)			
Case ID No.			•	,			
Reg. Ent. Reference No.							
	Public Water S						Years of
		oupply				Percent Interest	Depreciation
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
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)	\$55	31-Mar-2021	3-Mar-2022	0.92	\$3	n/a	\$3
Notes for DELAYED costs	1, 2020 thr sampled and t	ough December 3 o the TCEQ ((\$0.5 the date the	1, 2020 monito 50 x ten sample consumer notifi	ring per d location cation w	riod to persons ser ons + \$50) x one r vas due to the date	<u> </u>	which were calculated from
Avoided Costs	ANNU	ALIZE avoided c	osts before er	tering	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 #0	\$0 \$0
Other (as needed) Notes for AVOIDED costs		JII		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$55			TOTAL		\$3



Economic Benefit Worksheet

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Case ID No. 61612

Reg. Ent. Reference No. RN101441152

Media Public Water Supply **Violation No.** 3

Percent Interest Years of Depreciation 5.0 15

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

Delayed Costs

Item Description

Equipment
Buildings
Other (as needed)
Engineering/Construction
Land
Record Keeping System
Training/Sampling
Remediation/Disposal
Permit Costs
Other (as needed)

			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	\$0	\$0
			0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$200	30-Jun-2021	11-Apr-2023	1.78	\$18	n/a	\$18
·		·	0.00	\$0	n/a	\$0
			0.00	\$0	n/a	\$0
\$25	10-Jul-2021	12-Nov-2022	1.34	\$2	n/a	\$2

The training/sampling delayed cost includes the estimated amount to collect all required water quality parameter samples [\$20 per sample x two missed samples x (four entry points + one distribution sample site) x one monitoring period], calculated from the last day of the monitoring period of non-compliance to the estimated date of compliance.

Notes for DELAYED costs

The delayed cost to implement procedures to ensure that all necessary public notifications are provided in a timely manner is captured in the Economic Benefit Calculation Worksheet for Violation No. 1 on PCW No.

The other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the due date of the public notification to the estimated date of compliance.

Avoided Costs

Disposal
Personnel
Inspection/Reporting/Sampling
Supplies/Equipment
Financial Assurance
ONE-TIME avoided costs
ONE-TIME avoided costs

ANNU	ANNUALIZE avoided costs before entering item (except for one-time avoided costs)										
			0.00	\$0	\$0	\$0					
			0.00	\$0	\$0	\$0					
			0.00	\$0	\$0	\$0					
			0.00	\$0	\$0	\$0					
			0.00	\$0	\$0	\$0					
\$200	30-Jun-2020	30-Nov-2021	1.42	\$14	\$200	\$214					
\$200	31-Dec-2020	30-Nov-2021	0.92	\$9	\$200	\$209					

Notes for AVOIDED costs

Each of the avoided costs include the estimated amount to collect all required water quality parameter samples [\$20 per sample x two missed samples x (four entry points + one distribution sample site) x one monitoring period], calculated from the last day of the monitoring period in which sampling was required to the screening date.

Approx. Cost of Compliance \$625 TOTAL \$443

	Screeni	ing Date	30-Nov-2021		Doc	ket No. 2021-1529-PWS-E		PCW	
	Res	pondent	HARTLEY WATE	R SUPPLY CO	RPORATION (P	CW No. 2)	Policy Revision	n 5 (January 28, 2021)	
	Cas	e ID No.	61612				PCW Revis	ion February 11, 2021	
Rea.			RN101441152					,,	
11091			Public Water Su	ınnly					
	Enf Coo		America Ruiz	19919					
		n Number		l					
		ıle Cite(s)							
		(-,		30 Tex. A	dmin. Code §	290.117(h) and (i)(1)			
			Failed to collec	t lead and cor	ner tan samnl	es at the required ten sample site	s have		
			Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the July 1,						
			2020 through December 31, 2020 and January 1, 2021 through June 30, 2021						
	Violation Description		monitoring per						
			associated t	associated to the incorrect sample site on the chain-of-custody form and were					
					invalida	ated.			
			1-						
						Base F	Penalty	\$5,000	
>> E	ironmont-	l Drono	ty and Ures	an Haalth I	Matrix				
>> ENV	ironmenta	ı, Proper	ty and Huma	an Health I Harm	часгіх				
		Release	Major	Moderate	Minor				
OR		Actual							
		Potential				Percent 0.0%			
>>Prog	grammatic								
	Fa	alsification	Major	Moderate	Minor	5			
					X	Percent 1.0%			
	Matrix		100	00% of the mule	roquiromonto	ware not mot			
	Notes		100	J% of the rule	requirements	were not met.			
						Adjustment	\$4,950		
							, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
								\$50	
\/:- -+:-									
violatio	on Events								
	N	Number of \	Violation Events	2		334 Number of violation da	vs		
			riolation Events			tunistr or trolucion ac	, -		
			daily						
			weekly						
			monthly						
			quarterly			Violation Base F	Penalty	\$100	
			semiannual annual						
			single event	X					
			Single event	^					
	Two single events are recommended.								
I				2 221			ali, akt sis	*0	
Cood E	aith Effact	. to C	INV	0.0%		Re	duction	\$0	
Good Fa	aith Efforts	to Com		Refere NOE/NOV	NOE/NOV/ +> EDD!	DD/Sattlement Offer		·	
Good Fa	aith Efforts	to Com	-	Before NOE/NOV	NOE/NOV to EDPI	RP/Settlement Offer			
Good Fa	aith Efforts	to Com	Extraordinary		NOE/NOV to EDPI	RP/Settlement Offer		·	
Good Fa	aith Efforts	s to Comp	Extraordinary Ordinary		NOE/NOV to EDPI	RP/Settlement Offer			
Good Fa	aith Efforts	s to Comp	Extraordinary		NOE/NOV to EDPI	RP/Settlement Offer		·	
Good Fa	aith Efforts	s to Comp	Extraordinary Ordinary N/A	X	ent does not m	neet the good faith criteria for		·	
Good Fa	aith Efforts	s to Comp	Extraordinary Ordinary	X	ent does not m				
Good Fa	aith Efforts	s to Comp	Extraordinary Ordinary N/A	X	ent does not m	neet the good faith criteria for			
Good Fa	aith Efforts	s to Com	Extraordinary Ordinary N/A	X	ent does not m	neet the good faith criteria for	ubtotal	\$100	
			Extraordinary Ordinary N/A Notes	x The Respond	ent does not m	neet the good faith criteria for iolation. Violation Service of the control of t			
			Extraordinary Ordinary N/A	x The Respond	ent does not m	neet the good faith criteria for iolation.			
		(EB) for	Extraordinary Ordinary N/A Notes	x The Respond	ent does not m	neet the good faith criteria for iolation. Violation Service of the control of t	est		
		(EB) for	Extraordinary Ordinary N/A Notes	x The Respond	ent does not m this v	neet the good faith criteria for iolation. Violation Some Statutory Limit To	est y Total	\$100	

	E	conomic	Benefit	Wor	ksheet		
		ER SUPPLY CORP	ORATION (PCW	No. 2)			
Case ID No.							
Reg. Ent. Reference No.		mmlv.					Years of
Violation No.	Public Water S	ирріу				Percent Interest	Depreciation
Violation itel	-					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		11		1			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed) Engineering/Construction				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Land				0.00	\$0 \$0	n/a	\$0
Record Keeping System	\$45	8-Nov-2021	12-Nov-2022	1.01	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs The record keeping system cost includes the estimated amount to update the chain-of-custody to correctly report the results of lead and copper monitoring to the Executive Director for the July through December 31, 2020 and January 1, 2021 through June 30, 2021 monitoring periods, can from the record review date to the estimated date of compliance.			July 1, 2020				
Avoided Costs	ANNU	ALIZE avoided c	osts before en	tering		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 Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs				0.00	Ψ0	¥Ç.	Ψ0
Approx. Cost of Compliance		\$45			TOTAL		\$2

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 CN600664536, RN101441152, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, CN600664536, HARTLEY WATER SUPPLY Classification: NOT APPLICABLE Rating: N/A

or Owner/Operator: CORPORATION

Regulated Entity: RN101441152, HARTLEY WSC Classification: NOT APPLICABLE Rating: N/A

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

CH Group: 14 - Other

Location: 700 WEST WHITE STREET IN HARTLEY, HARTLEY COUNTY, TEXAS

TCEQ Region: REGION 01 - AMARILLO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION

1030010

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

Date Compliance History Report Prepared: May 09, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: May 09, 2017 to May 09, 2022

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

Name: America Ruiz Phone: (512) 239-2601

Site and Owner/Operator History:

1) Has the site been in existence and/or operation for the full five-year compliance period? YES

2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 October 24, 2018 (1523224)

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: 08/19/2021 (1773850)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e) 30 TAC Chapter 290, SubChapter F 290.117(h) 30 TAC Chapter 290, SubChapter F 290.117(i)(3)

Description: LCR WQP MR 1st 6M2021 - The system failed to monitor for water quality

parameters in accordance with TCEQ rules two times during the 1st 6M2021 monitoring period at entry point location 9th St/White St;Dalhart (EP001), 8th / Central; Dalhart (EP002), E 3rd St (well 3); Hartley (EP003), 11060 FM 807;

Dalhart (EP004) and the distribution system.

2 Date: 09/01/2021 (1773850)

Self Report? NO 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 1st 6M2021 - The system failed to monitor and/or report distribution

lead and copper levels to the TCEQ for the routine six-month monitoring period

from 01/01/2021 to 06/30/2021 within the required timeline.

3 Date: 11/03/2021 (1773850)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR WQP PN 1st 6M2020 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 $\S290.122$ during the time period that public notice was required for a water quality parameter monitoring and reporting violation for the monitoring period from 01/01/2020 to 06/30/2020 at

the entry point and the distribution system.

4 Date: 02/07/2022 (1788505)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K) Description: The facility failed to properly vent and screen well 2.

Self Report? NO Classification: Moderate

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

Description: The facility failed to maintain a current and up to date plant operations manual for

the water system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: The facility failed to verify the manual disinfectant residual analyzer for accuracy

once every 90 days.

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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
HARTLEY WATER SUPPLY	§	TEARS COMMISSION ON
CORPORATION	§	
RN101441152	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2021-1529-PWS-E

On	, the Texas Commission on Environmental Quality ("the	
Commission" or "TCE	") considered this agreement of the parties, resolving an enforcement	
action regarding HAR	LEY WATER SUPPLY CORPORATION (the "Respondent") under the	
authority of Tex. HEAD	TH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, throug	h
the Enforcement Divis	on, and the Respondent presented this Order to the Commission.	

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located at 700 West White Street in Hartley, Hartley County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 218 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 Tex. Admin. Code § 290.38(71).
- 2. During a record review conducted on November 8, 2021 through November 19, 2021, an investigator documented that:
 - a. The Respondent did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods.

- b. The Respondent did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and did not mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the July 1, 2020 through December 31, 2020 monitoring period.
- c. The Respondent did not conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through June 30, 2020, July 1, 2020 through December 31, 2020, and January 1, 2021 through June 30, 2021 monitoring periods, and did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites for the January 1, 2020 through June 30, 2020 monitoring period.
- d. The Respondent collected the samples from approved sites but associated the samples to the incorrect sample site on the chain-of-custody form and were invalidated for the July 1, 2020 through December 31, 2020 and January 1, 2021 through June 30, 2021 monitoring periods.
- 3. The Executive Director recognizes that the Respondent has implemented a corrective measure at the Facility by providing consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the July 1, 2020 through December 31, 2020 monitoring period and submitted to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements by March 3, 2022.

II. CONCLUSIONS OF LAW

- 1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
- 2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been

- distributed in a manner consistent with TCEQ requirements, in violation of 30 Tex. ADMIN. CODE § 290.117(i)(6) and (j).
- 4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, and failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 Tex. Admin. Code §§ 290.117(e)(2), (h), and (i)(3), and 290.122(c)(2)(A) and (f).
- 5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 Tex. ADMIN. CODE § 290.117(h) and (i)(1).
- 6. Pursuant to Tex. Health & Safety Code § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
- 7. An administrative penalty in the amount of \$3,986 is justified by the facts recited in this Order, and considered in light of the factors set forth in Tex. Health & Safety Code \$341.049(b). The Respondent paid \$1,330 of the penalty. The remaining amount of \$2,656 shall be paid in two monthly payments of \$1,328 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payment shall be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 7 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be

constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: HARTLEY WATER SUPPLY CORPORATION, Docket No. 2021-1529-PWS-E" to:

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

- 2. The Respondent shall undertake the following technical requirements:
 - a. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period¹ and ensure that the samples are analyzed and the results reported to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.117.
 - b. Within 30 days after the effective date of this Order:
 - i. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods, and regarding the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through June 30, 2020 monitoring period, in accordance with 30 Tex. ADMIN. CODE § 290.122;
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 Tex. Admin. Code § 290.122; and
 - iii. Update the chain-of-custody form and correctly report the results of lead and copper monitoring to the Executive Director for the July 1, 2020 through December 31, 2020 and January 1, 2021 through June 30, 2021 monitoring periods, in accordance with 30 Tex. ADMIN. CODE § 290.117.

¹ "First six-month monitoring period" refers to the January 1 through June 30 or July 1 through December 31 monitoring period that begins immediately after the effective date of this Order.

- c. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.i through 2.b.iii.
- d. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Drinking Water Special Functions Section Manager Water Supply Division, MC 155 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the

- Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.
- 6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
- 7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
- 8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
- This Order may be executed in separate and multiple counterparts, which together shall 9. constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
- 10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date
For the Executive Director	10/24/2022 Date
I, the undersigned, have read and understand the attached Order, and I do agree to the terms a acknowledge that the TCEQ, in accepting payme on such representation.	and conditions specified therein. I further
I also understand that failure to comply with the and/or failure to timely pay the penalty amount,	
 A negative impact on compliance history; Greater scrutiny of any permit applications Referral of this case to the Attorney General additional penalties, and/or attorney fees, Increased penalties in any future enforcem Automatic referral to the Attorney General TCEQ seeking other relief as authorized by 	al's Office for contempt, injunctive relief, or to a collection agency; lent actions; 's Office of any future enforcement actions; and
In addition, any falsification of any compliance of	documents may result in criminal prosecution.
Jam James	8-26-2022
Signature	Date
JOHN FRANTZ	BOARD MEMBER Title
Name (Printed or typed) Authorized Representative of HARTLEY WATER SUPPLY CORPORATION	Title
☐ If mailing address has changed, please chec	k this hox and provide the new address below: