

**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 § 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 § 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.

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**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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	22-Nov-2021	<b>Screening</b>	30-Nov-2021	<b>EPA Due</b>	31-Dec-2021
	<b>PCW</b>	30-Nov-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	HARTLEY WATER SUPPLY CORPORATION (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN101441152
<b>Facility/Site Region</b>	1-Amarillo
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>		<b>No. of Violations</b>	1
<b>Enf./Case ID No.</b>	61612	<b>Order Type</b>	Findings
<b>Docket No.</b>	2021-1529-PWS-E	<b>Government/Non-Profit</b>	Yes
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	America Ruiz
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$100
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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.

<b>Compliance History</b>	17.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$17
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Notes: Enhancement for three NOV's with the same/similar violations and one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts: \$9  
 Estimated Cost of Compliance: \$125  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$117
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$117
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$117
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$117
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**Screening Date** 30-Nov-2021

**Docket No.** 2021-1529-PWS-E

**PCW**

**Respondent** HARTLEY WATER SUPPLY CORPORATION (PCW No. 1)

Policy Revision 5 (January 28, 2021)

**Case ID No.** 61612

PCW Revision February 11, 2021

**Reg. Ent. Reference No.** RN101441152

**Media** Public Water Supply

**Enf. Coordinator** America Ruiz

### Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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)** 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 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**

**Final Adjustment Percentage \*capped at 100%** 17%

Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

PCW

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61612

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description

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 for the January 1, 2018 through June 30, 2018 monitoring period.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

873 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$117

This violation Final Assessed Penalty (adjusted for limits) \$117

# Economic Benefit Worksheet

**Respondent** HARTLEY WATER SUPPLY CORPORATION (PCW No. 1)  
**Case ID No.** 61612  
**Reg. Ent. Reference No.** RN101441152  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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				0.00	\$0	n/a	\$0
Other (as needed)	\$25	10-Jul-2019	12-Nov-2022	3.35	\$4	n/a	\$4

**Notes for DELAYED costs**

The training/sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the record review date to the estimated date of compliance.

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

### 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 \$125

**TOTAL** \$9



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	22-Nov-2021	<b>Screening</b>	30-Nov-2021	<b>EPA Due</b>	31-Dec-2021
	<b>PCW</b>	30-Nov-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)		
<b>Reg. Ent. Ref. No.</b>	RN101441152		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61612	<b>No. of Violations</b>	4
<b>Docket No.</b>	2021-1529-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	America Ruiz
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,350
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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.

<b>Compliance History</b>	17.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$569
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Notes: Enhancement for three NOV's with the same/similar violations and one NOV with dissimilar violations.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$50
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$452
Estimated Cost of Compliance	\$750

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,869
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$3,869

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$3,869
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$3,869
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Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

PCW

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61612

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

### Compliance History Worksheet

#### >> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
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) 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 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

Final Adjustment Percentage \*capped at 100% 17%

Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

PCW

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61612

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

Violation Description 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 for the July 1, 2018 through December 31, 2018 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (10.0%).

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 689

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

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked with X).

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4 Violation Final Penalty Total \$585

This violation Final Assessed Penalty (adjusted for limits) \$585

# 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.** 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)	\$25	10-Jan-2020	12-Nov-2022	2.84	\$4	n/a	\$4

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.

**Notes for DELAYED costs**

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

#### 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 \$25

**TOTAL** \$4

Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

PCW

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61612

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.117(i)(6) and (j)

Violation Description

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 for the July 1, 2020 through December 31, 2020 monitoring period.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

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

Violation Base Penalty \$500

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

This violation Final Assessed Penalty (adjusted for limits) \$535

# 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.** 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)	\$55	31-Mar-2021	3-Mar-2022	0.92	\$3	n/a	\$3

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the July 1, 2020 through December 31, 2020 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x ten sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due to the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$55

**TOTAL** \$3

**Screening Date** 30-Nov-2021 **Docket No.** 2021-1529-PWS-E **PCW**  
**Respondent** HARTLEY WATER SUPPLY CORPORATION (PCW No. 2) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 61612 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101441152  
**Media** Public Water Supply  
**Enf. Coordinator** America Ruiz

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.117(e)(2), (h), and (i)(3), and 290.122(c)(2)(A) and (f)

**Violation Description**

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 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 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 for the January 1, 2020 through June 30, 2020 monitoring period.

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Failure to conduct water quality parameter sampling could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

Three single events are recommended, one for each monitoring period.

**Good Faith Efforts to Comply**

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

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

**Violation Subtotal**

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# 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 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	\$200	30-Jun-2021	11-Apr-2023	1.78	\$18	n/a	\$18
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$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. 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

#### 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	\$200	30-Jun-2020	30-Nov-2021	1.42	\$14	\$200	\$214
ONE-TIME avoided costs	\$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

Screening Date 30-Nov-2021

Docket No. 2021-1529-PWS-E

PCW

Respondent HARTLEY WATER SUPPLY CORPORATION (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61612

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101441152

Media Public Water Supply

Enf. Coordinator America Ruiz

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.117(h) and (i)(1)

Violation Description

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 monitoring periods. Specifically, the samples were collected from approved sites but associated to the incorrect sample site on the chain-of-custody form and were invalidated.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 2

334 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are 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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$117

This violation Final Assessed Penalty (adjusted for limits) \$117



# 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.** 4

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	\$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 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, calculated from the record review 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
ONE-TIME avoided costs				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$2



# 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, or Owner/Operator:** CN600664536, HARTLEY WATER SUPPLY CORPORATION  
**Classification:** NOT APPLICABLE **Rating:** N/A  
**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 §290.122 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(l)  
 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  
ENFORCEMENT ACTION  
CONCERNING  
HARTLEY WATER SUPPLY  
CORPORATION  
RN101441152**

§  
§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

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

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding HARTLEY WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

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

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

### **I. FINDINGS OF FACT**

1. The Respondent owns and operates a public water supply located at 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 period<sup>1</sup> 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.

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<sup>1</sup> "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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____ For the Commission	_____ Date
 _____ For the Executive Director	<u>10/24/2022</u> 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	<u>8-26-2022</u> Date
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<u>JOHN FRANTZ</u> Name (Printed or typed) Authorized Representative of HARTLEY WATER SUPPLY CORPORATION	<u>BOARD MEMBER</u> Title
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If mailing address has changed, please check this box and provide the new address below: