

Executive Summary – Enforcement Matter – Case No. 62415
Red River Authority of Texas
RN101182350
Docket No. 2022-0747-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

N/A

Location(s) Where Violation(s) Occurred:

Lockett Water System R R A, 12792 County Road 85 South, Vernon, Wilbarger 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: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

Texas Register Publication Date: May 24, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,997

Amount Deferred for Expedited Settlement: \$2,999

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Supplemental Environmental Project (“SEP”) Conditional Offset: \$11,998

Name of SEP: Texas Water Development Board (Third-Party Pre-Approved)

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: Yes

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): March 14, 2022

Complaint Information: Alleged a public water system in Wilbarger County was not being properly operated and maintained.

Date(s) of Investigation: March 15, 2022 through March 25, 2022

Date(s) of NOE(s): May 19, 2022

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Violation Information

1. Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 188 connections at the Vernon West Pressure Plane requiring a total storage capacity of 37,600 gallons. However, only 17,000 gallons were provided, indicating a 55% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to provide two or more pumps that have a total storage capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, two or more service pumps with a capacity of 376 gpm were required at the Vernon West Pressure Plane. However, only one service pump with a capacity of 300 gpm was provided, indicating a 20% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
3. Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 188 connections at the Vernon West Pressure Plane requiring a pressure tank capacity of 3,760 gallons. However, none was provided, indicating a 100% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, Pump No. 1 at the Lockett Pump Station was leaking [30 TEX. ADMIN. CODE § 290.46(m)(4)].
5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the Facility was maintaining a record of the amount of water distributed each week, rather than the required record of the amount of water distributed each day [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(II)].
6. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
7. Failed to provide all dead-end mains with acceptable flush valves and discharge piping. Specifically, the system had various dead-ends not equipped with flush valves [30 TEX. ADMIN. CODE § 290.44(d)(6)].
8. Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, a pressure reading obtained on March 15, 2022 at a complainant's residence displayed a reading of 4 psi [30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r)].

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Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent implemented the following corrective measures:

- a. By March 25, 2022, maintained a minimum pressure of 35 psi throughout the distribution system; and
- b. By March 2, 2023, repaired the leak at Pump No. 1 at the Lockett Pump Station.

Technical Requirements:

1. The Order will require the Respondent to implement and complete a SEP (see SEP Attachment A).

2. The Order will also require the Respondent to:

a. Within 30 days:

- i. Compile and maintain properly completed waterworks operation and maintenance records, including but not limited to the amount of water distributed each day; and
- ii. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels. This provision will be satisfied upon three months of consecutive compliant monthly flushing.

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

c. Within 60 days, provide flush valves at all dead-end mains, including but not limited to all locations which require flush valves.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 135 days, submit written certification to demonstrate compliance with a.ii.

f. Within 365 days:

i. Provide total storage capacity of 200 gallons per connection at the Vernon West Pressure Plane;

ii. Provide a pressure tank capacity of 20 gallons per connection; and

iii. Provide two or more pumps that have a total storage capacity of 2.0 gpm per connection.

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g. Within 380 days, submit written certification to demonstrate compliance with f.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ronica Rodriguez Scott, Enforcement Division, Enforcement Team 4, MC R-14, (361) 881-6990; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

TCEQ SEP Coordinator: Stuart Beckley, SEP Coordinator, Enforcement Division, MC 219, (512) 239-3565

SEP Third-Party Administrator: Texas Water Development Board, P.O. Box 13231, Austin, Texas 78711-3231

Respondent: Fabian Heaney, General Manager, Red River Authority of Texas, P.O. Box 240, Wichita Falls, Texas 76307

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-May-2022			
	PCW	21-Jun-2022	Screening	31-May-2022	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	Red River Authority of Texas				
Reg. Ent. Ref. No.	RN101182350				
Facility/Site Region	3-Abilene	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	62415	No. of Violations	8		
Docket No.	2022-0747-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Ronica Rodriguez		
		EC's Team	5		
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$13,550
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	14.0%	Adjustment	Subtotals 2, 3, & 7	\$1,897
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Notes	Enhancement for two NOVs with the same/similar violations and two NOVs with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$450
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$13,555	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$72,035	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,997
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes				
Final Penalty Amount				\$14,997

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,997
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DEFERRAL	20.0%	Reduction	Adjustment	-\$2,999
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.			
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PAYABLE PENALTY	\$11,998
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Screening Date

31-May-2022

Docket No.

2022-0747-PWS-E

PCW

Respondent

Red River Authority of Texas

Case ID No.

62415

Reg. Ent. Reference No.

RN101182350

Media

Public Water Supply

Enf. Coordinator

Ronica Rodriguez

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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>)	2	10%
	Other written NOVs	2	4%
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)14%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3)0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7)0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)14%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

14%

Screening Date		31-May-2022		Docket No.		2022-0747-PWS-E		PCW	
Respondent		Red River Authority of Texas						Policy Revision 5 (January 28, 2021)	
Case ID No.		62415						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN101182350							
Media		Public Water Supply							
Enf. Coordinator		Ronica Rodriguez							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)							
Violation Description		Failed to provide a total storage capacity of 200 gallons per connection. Specifically, the Facility had 188 connections at the Vernon West Pressure Plane requiring a total storage capacity of 37,600 gallons. However, only 17,000 gallons were provided, indicating a 55% deficiency.							
						Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual							
		Potential		x					
						Percent		30.0%	
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
						Percent		0.0%	
Matrix Notes		Failure to provide adequate storage capacity could expose persons served by the Facility to contaminants that would exceed levels that are protective of human health.							
						Adjustment		\$3,500	
								\$1,500	
Violation Events									
		Number of Violation Events		3				77	
								Number of violation days	
		daily							
		weekly							
		monthly		x					
		quarterly							
		semiannual							
		annual							
		single event							
						Violation Base Penalty		\$4,500	
		Three monthly events are recommended, calculated from the March 15, 2022 investigation date to the May 31, 2022 screening date.							
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		\$4,500	
Economic Benefit (EB) for this violation									
Estimated EB Amount						\$8,680		Violation Final Penalty Total	
								\$5,130	
						This violation Final Assessed Penalty (adjusted for limits)		\$5,130	

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$44,290	15-Mar-2022	31-Dec-2024	2.80	\$413	\$8,267	\$8,680
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a total storage capacity of at least 200 gallons per connection (\$2.15 x 20,600 gallons), calculated from the date of the investigation 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	\$44,290	TOTAL	\$8,680
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Screening Date	31-May-2022	Docket No.	2022-0747-PWS-E	PCW
Respondent	Red River Authority of Texas	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62415	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101182350			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide two or more pumps that have a total storage capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, two or more service pumps with a capacity of 376 gpm were required at the Vernon West Pressure Plane. However, only one service pump with a capacity of 300 gpm was provided, indicating a 20% deficiency.			
Base Penalty				\$5,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
Potential		x		
Percent				15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Failure to provide adequate service pump capacity could result in water outages and low pressure problems, exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment				\$4,250
				\$750
Violation Events				
Number of Violation Events		1	77	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$750
One quarterly event is recommended, calculated from the March 15, 2022 investigation date to the May 15, 2022 screening date.				
Good Faith Efforts to Comply		0.0%	Reduction	
			\$0	
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$750
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$980	Violation Final Penalty Total	
			\$855	
This violation Final Assessed Penalty (adjusted for limits)				\$855

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$5,000	15-Mar-2022	31-Dec-2024	2.80	\$47	\$933	\$980
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide two or more service pumps to meet the minimum service pump capacity of at least 2.0 gpm per connection, calculated from the date of the investigation 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	\$5,000	TOTAL	\$980
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Screening Date	31-May-2022	Docket No.	2022-0747-PWS-E	PCW
Respondent	Red River Authority of Texas	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62415	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101182350			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 188 connections at the Vernon West Pressure Plane requiring a pressure tank capacity of 3,760 gallons. However, none was provided, indicating a 100% deficiency.			
Base Penalty				\$5,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	x		
Percent				30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Failure to provide adequate pressure tank capacity could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
Adjustment				\$3,500
				\$1,500
Violation Events				
Number of Violation Events		3	77	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$4,500
Three montly events are recommended, calculated from the March 15, 2022 investigation date to the May 31, 2022 screening date.				
Good Faith Efforts to Comply		0.0%	Reduction	
			\$0	
	Extraordinary		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$4,500
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$392	Violation Final Penalty Total	
			\$5,130	
This violation Final Assessed Penalty (adjusted for limits)				\$5,130

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
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	\$2,000	15-Mar-2022	31-Dec-2024	2.80	\$19	\$373	\$392
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a pressure tank capacity of at least 20 gallons per connection, calculated from the date of the investigation 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	\$2,000	TOTAL	\$392
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Screening Date	31-May-2022	Docket No.	2022-0747-PWS-E	PCW
Respondent	Red River Authority of Texas	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62415	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101182350			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	4			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(4)			
Violation Description	Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids. Specifically, Pump No. 1 at the Lockett Pump Station was leaking.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
		Percent	15.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Failure to maintain the pump in a watertight condition could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
		Adjustment	\$4,250	
			\$750	
Violation Events				
Number of Violation Events		1	77	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$750	
One quarterly event is recommended, calculated from the March 15, 2022 investigation date to the May 31, 2022 screening date.				
Good Faith Efforts to Comply		10.0%	Reduction	\$75
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary			
	Ordinary	x		
	N/A			
Notes	The Respondent achieved compliance on March 2, 2023.			
		Violation Subtotal	\$675	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$24	Violation Final Penalty Total	\$780	
This violation Final Assessed Penalty (adjusted for limits)		\$780		

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
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				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)	\$500	15-Mar-2022	2-Mar-2023	0.96	\$24	n/a	\$24
Notes for DELAYED costs	The delayed cost includes the estimated amount to repair the leak at Pump No. 1, calculated from the date of the investigation to the date of compliance.						

Avoided CostsANNUALIZE 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	\$500	TOTAL	\$24
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Screening Date		31-May-2022		Docket No.		2022-0747-PWS-E		PCW		
Respondent		Red River Authority of Texas		Policy Revision 5 (January 28, 2021)						
Case ID No.		62415		PCW Revision February 11, 2021						
Reg. Ent. Reference No.		RN101182350								
Media		Public Water Supply								
Enf. Coordinator		Ronica Rodriguez								
Violation Number		5								
Rule Cite(s)		30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(ii)(II)								
Violation Description		Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the Facility was maintaining a record of the amount of water distributed each week, rather than the required record of the amount of water distributed each day.								
				Base Penalty		\$5,000				
>> Environmental, Property and Human Health Matrix										
OR	Release		Major		Moderate		Minor			
	Actual									
	Potential									
									Percent 0.0%	
>>Programmatic Matrix										
		Falsification		Major		Moderate		Minor		
								x		Percent 1.0%
Matrix Notes		Less than 30% of the rule requirements were not met.								
				Adjustment		\$4,950				
						\$50				
>> Violation Events										
Number of Violation Events		1		77		Number of violation days				
		daily								
		weekly								
		monthly								
		quarterly								
		semiannual								
		annual								
		single event		x		Violation Base Penalty \$50				
		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		\$50				
>> Economic Benefit (EB) for this violation										
>> Statutory Limit Test										
Estimated EB Amount		\$5		Violation Final Penalty Total		\$57				
				This violation Final Assessed Penalty (adjusted for limits)		\$57				

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Red River Authority of Texas 62415 RN101182350 Public Water Supply 5

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	15-Mar-2022	3-Aug-2024	2.39	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to maintain water works operation and maintenance records, including but not limited to the amount of water distributed each day, and make them readily available for review by the Executive Director upon request, calculated from the investigation date to the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$45	TOTAL	\$5
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Screening Date 31-May-2022		Docket No. 2022-0747-PWS-E		PCW	
Respondent Red River Authority of Texas		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 62415		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101182350					
Media Public Water Supply					
Enf. Coordinator Ronica Rodriguez					
Violation Number	6				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(l)				
Violation Description	Failed to flush all dead-end mains at monthly intervals.				
Base Penalty					\$5,000

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events

1

77

Number of violation days

	daily	
	weekly	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$750

One quarterly event is recommended, calculated from the March 15, 2022 investigation date to the May 31, 2022 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Notes

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
6

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)	\$100	15-Mar-2022	1-Nov-2024	2.64	\$13	n/a	\$13
Notes for DELAYED costs	The delayed cost includes the estimated amount to initiate a monthly flushing program, calculated from the date of the investigation to the estimated date of compliance.						

Avoided CostsANNUALIZE 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	\$100	TOTAL	\$13
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Screening Date	31-May-2022	Docket No.	2022-0747-PWS-E	PCW
Respondent	Red River Authority of Texas	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62415	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101182350			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.44(d)(6)			
Violation Description	Failed to provide all dead-end mains with acceptable flush valves and discharge piping. Specifically, the system had various dead-ends not equipped with flush valves.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Harm			
Release	Major	Moderate	Minor	
Actual				Percent 15.0%
Potential		x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide all dead-end mains with acceptable flush valves could result in persons served by the Facility being exposed to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,250

\$750

Violation Events

Number of Violation Events

1

77

Number of violation days

	daily		Violation Base Penalty \$750
	weekly		
	monthly		
	quarterly	x	
	semiannual		
	annual		
	single event		

One quarterly event is recommended, calculated from the March 15, 2022 investigation date to the May 31, 2022 screening date.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Economic Benefit Worksheet

Respondent Case ID No. Red River Authority of Texas
Reg. Ent. Reference No. 62415
Media RN101182350
Violation No. Public Water Supply
7

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	\$20,000	15-Mar-2022	2-Sep-2024	2.47	\$165	\$3,295	\$3,460
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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide all dead-end mains with flush valves, calculated from the date of the investigation 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	\$20,000	TOTAL	\$3,460
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Screening Date	31-May-2022	Docket No.	2022-0747-PWS-E	PCW
Respondent	Red River Authority of Texas	<i>Policy Revision 5 (January 28, 2021)</i>		
Case ID No.	62415	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN101182350			
Media	Public Water Supply			
Enf. Coordinator	Ronica Rodriguez			
Violation Number	8			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.44(d) and 290.46(r)			
Violation Description	Failed to provide a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting. Specifically, a pressure reading obtained on March 15, 2022 at a complainant's residence displayed a reading of 4 psi.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	x		
		Percent	30.0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Matrix Notes	Failure to maintain adequate pressure throughout the distribution system at all times may result in backflow or siphonage and expose persons served by the Facility to contaminants that would exceed levels protective of human health.			
		Adjustment	\$3,500	
		\$1,500		
Violation Events				
Number of Violation Events		1	10	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
		Violation Base Penalty	\$1,500	
One monthly event is recommended, calculated from the March 15, 2022 investigation date to the March 25, 2022 compliance date.				
Good Faith Efforts to Comply		25.0%	Reduction	\$375
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary	x		
	N/A			
	Notes	The Respondent achieved compliance on March 25, 2022.		
		Violation Subtotal	\$1,125	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$0	Violation Final Penalty Total	\$1,335
		This violation Final Assessed Penalty (adjusted for limits) \$1,335		

Economic Benefit Worksheet

Respondent Red River Authority of Texas
Case ID No. 62415
Reg. Ent. Reference No. RN101182350
Media Public Water Supply
Violation No. 8

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)	\$100	15-Mar-2022	25-Mar-2022	0.03	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, calculated from the date of the investigation 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	\$100	TOTAL	\$0
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Compliance History Report

Compliance History Report for CN600630479, RN101182350, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600630479, Red River Authority of Texas
Regulated Entity: RN101182350, Lockett Water System R R A
Complexity Points: N/A
CH Group: 14 - Other
Location: 12792 COUNTY ROAD 85 SOUTH NEAR VERNON, WILBARGER COUNTY, TEXAS
TCEQ Region: REGION 03 - ABILENE
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2440008

Classification: SATISFACTORY **Rating:** 3.25
Classification: NOT APPLICABLE **Rating:** N/A
Repeat Violator: N/A

Compliance History Period: September 01, 2018 to August 31, 2023 **Rating Year:** 2023 **Rating Date:** 09/01/2023
Date Compliance History Report Prepared: December 12, 2023
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: December 12, 2018 to December 12, 2023
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ronica Rodriguez Scott **Phone:** (361) 881-6990

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.):

N/A

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: 03/09/2023 (1881236)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
Description: Failure to provide a 30-inch roof hatch on the ground storage tanks at the Vernon West pump Station (PS), and the Lockett PS.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)
Description: Failure to have a small bottle of fresh ammonia solution for testing for chlorine leakage readily accessible outside the chlorinator room at the Lockett Pump Station.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to have an overflow gap of less than 1/16 inch at the Vernon West Pump Station and the Lockett Pump Station.
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)
 Description: Failure to have records of annual storage tank inspections for the storage tanks at the Vernon West Pump Station and the Lockett Pump Station.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)
 Description: Failure to record the amount of chemical used each day.

2 Date: 03/10/2023 (1885949)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to maintain a pressure of 35 psi throughout distribution.

3 Date: 05/26/2023 (1888829)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to maintain a pressure of 35 psi throughout distribution.

4 Date: 09/05/2023 (1924833)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
 Description: Failure to provide watertight piping in the distribution system.

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
RED RIVER AUTHORITY OF TEXAS
RN101182350

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

AGREED ORDER DOCKET NO. 2022-0747-PWS-E

I. JURISDICTION AND STIPULATIONS

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Red River Authority of Texas (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 together stipulate that:

1. The Respondent owns and operates a public water supply located at 12792 County Road 85 South near Vernon, Wilbarger County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 289 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. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$14,997 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The amount of \$2,999 is deferred contingent upon the Respondent's timely and satisfactory compliance with all of the terms of this Order and shall be waived only upon full compliance with all the terms and conditions of this Order. If the Respondent fails to timely and satisfactorily comply with any of the terms and conditions contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.

Pursuant to TEX. WATER CODE § 7.067, \$11,998 of the penalty shall be conditionally offset by the Respondent's timely and satisfactory completion of a Supplemental Environmental Project ("SEP") as defined in the attached SEP Agreement ("Attachment A", incorporated herein by reference). The Respondent's obligation to pay the conditionally offset portion of the penalty shall be discharged upon full compliance with all the terms

and conditions of this Order, which includes the timely and satisfactory completion of all provisions of the SEP Agreement, as determined by the Executive Director.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
 - a. By March 25, 2022, maintained a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system; and
 - b. By March 2, 2023, repaired the leak at Pump No. 1 at the Lockett Pump Station.

II. ALLEGATIONS

During an investigation at the Facility conducted on March 15, 2022 through March 25, 2022, an investigator documented that the Respondent:

1. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 188 connections at the Vernon West Pressure Plane requiring a total storage capacity of 37,600 gallons. However, only 17,000 gallons were provided, indicating a 55% deficiency.
2. Failed to provide two or more pumps that have a total storage capacity of 2.0 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, two or more service pumps with a capacity of 376 gpm were required at the Vernon West Pressure Plane. However, only one service pump with a capacity of 300 gpm was provided, indicating a 20% deficiency.
3. Failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Facility had 188 connections at the Vernon West Pressure Plane

requiring a pressure tank capacity of 3,760 gallons. However, none was provided, indicating a 100% deficiency.

4. Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition and free of excessive solids, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4). Specifically, Pump No. 1 at the Lockett Pump Station was leaking.
5. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(ii)(II). Specifically, the Facility was maintaining a record of the amount of water distributed each week, rather than the required record of the amount of water distributed each day.
6. Failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
7. Failed to provide all dead-end mains with acceptable flush valves and discharge piping, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(6). Specifically, the system had various dead-ends not equipped with flush valves.
8. Failed to provide a minimum pressure of 35 psi throughout the distribution system under normal operating conditions and 20 psi during emergencies such as firefighting, in violation of 30 TEX. ADMIN. CODE §§ 290.44(d) and 290.46(r). Specifically, a pressure reading obtained on March 15, 2022 at a complainant's residence displayed a reading of 4 psi.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Red River Authority of Texas, Docket No. 2022-0747-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 implement and complete the SEP as set forth in Section I, Paragraph No. 4. The amount of \$11,998 of the assessed penalty is conditionally offset based on the Respondent's implementation and completion of the SEP pursuant to the

terms of the SEP Agreement, as defined in Attachment A. Penalty payments for any portion of the SEP deemed by the Executive Director as not complete shall be paid within 30 days after the date the Executive Director demands payment.

3. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed waterworks operation and maintenance records, including but not limited to the amount of water distributed each day, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Begin flushing all dead-end mains at monthly intervals or more often as needed if water quality complaints are received from water customers or if disinfectant residuals fall below acceptable levels, in accordance with 30 TEX. ADMIN. CODE § 290.46. This provision will be satisfied upon three months of consecutive compliant monthly flushing.
 - b. Within 45 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.i.
 - c. Within 60 days after the effective date of this Order, provide flush valves at all dead-end mains, including but not limited to all locations which require flush valves, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - d. Within 75 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c.
 - e. Within 135 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.ii.
 - f. Within 365 days after the effective date of this Order:
 - i. Provide total storage capacity of 200 gallons per connection at the Vernon West Pressure Plane, in accordance with 30 TEX. ADMIN. CODE § 290.45;
 - ii. Provide a pressure tank capacity of 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - iii. Provide two or more pumps that have a total storage capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - g. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including

photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.f.i through 3.f.iii. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

4. All relief not expressly granted in this Order is denied.
5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
7. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but

not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

9. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/24/2024

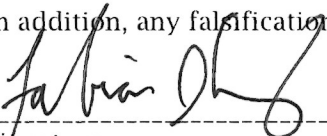
Date

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 OAG 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 OAG 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

4-26-2024

Date

Fabian Heaney

Name (Printed or typed)
Authorized Representative of
Red River Authority of Texas

General Manager

Title

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

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

Attachment A
Docket Number: 2022-0747-PWS-E
SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Red River Authority of Texas
Payable Penalty Amount:	\$11,998
SEP Offset Amount:	\$11,998
Type of SEP:	Contribution to a Third-Party Administrator SEP
Third-Party Administrator:	Texas Water Development Board
Project Name:	<i>Water-Level Recorder Data in Every Texas County</i>
Total Project Budget:	\$997,500
Location of SEP:	Statewide; preference for Wilbarger County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset the administrative penalty amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Offset Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Offset Amount to the Third-Party Administrator named above. The contribution will be to the **Texas Water Development Board** for the *Water-Level Recorder Data in Every Texas County* project (the “Project”). The Project is to purchase, install, and maintain automatic water-level recorders in unused wells in the remaining one hundred sixty-six (166) counties. The Third-Party Administrator shall give preference to installing water-level recorders initially in counties in which there are 1) no existing automatic water-level recorder wells, 2) no groundwater conservation district, or 3) groundwater conservation districts that do not have the staff and/or the financial ability to install an automatic water-level recorder. The Project will be done in accordance with all federal, state, and local environmental laws and regulations. The contribution will be used in accordance with the SEP Agreement between the Third-Party Administrator and the TCEQ.

All dollars contributed will be used solely for the direct cost of implementing the Project, including, but not limited to supplies, materials, and equipment. Any portion of this contribution that is not spent on the specifically identified SEP may, at the discretion of the Executive Director (“ED”), be applied to another pre-approved SEP.

The Respondent’s signature affixed to this Agreed Order certifies that the Respondent has no prior commitment to make this contribution and that it is being contributed solely to settle this enforcement action. The Respondent shall not profit from this SEP.

B. Environmental Benefit

The groundwater stored within Texas’ minor and major aquifers is an important natural resource that is relied upon to meet the water supply demands of Texans across the state. Many factors affect the availability of this resource including drought and increased demand. This Project will provide statewide comprehensive real-time groundwater level data to Texas counties, cities, groundwater conservation districts, water supply companies, and individual well owners.

The availability of this comprehensive data will promote awareness of the effects of drought on Texas' aquifers and assist in groundwater management planning and use throughout the state.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Offset Amount to the Third-Party Administrator and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Offset Amount to the Third-Party Administrator. The Respondent shall make the check payable to **Texas Water Development Board SEP** and shall mail the contribution with a copy of the Agreed Order to:

Texas Water Development Board
Attention: Finance
P.O. Box 13231
Austin, Texas 78711-3231

3. Records and Reporting

Concurrent with the payment of the SEP Offset Amount, the Respondent shall provide the Enforcement SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Offset Amount to the Third-Party Administrator. The Respondent shall mail a copy of the check and transmittal letter to:

Texas Commission on Environmental Quality
Enforcement Division
Attention: SEP Coordinator, MC 219
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this Attachment A, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Sections 2 and 3 above, the ED may require immediate payment of all or part of the SEP Offset Amount.

In the event the ED determines that the Respondent failed to fully implement and complete the Project, the Respondent shall remit payment for all or a portion of the SEP Offset Amount, as determined by the ED, and as set forth in the attached Agreed Order. After receiving notice of failure to complete the SEP, the Respondent shall include the docket number of the attached Agreed Order and a note that the enclosed payment is for the reimbursement of a SEP, shall make the check payable to "Texas Commission on Environmental Quality," and shall mail it to:

Litigation Division
Attention: SEP Coordinator, MC 175
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP and/or project, made by or on behalf of the Respondent must include a clear statement that **the project was performed as part of the settlement of an enforcement action brought by the TCEQ**. Such statements include advertising, public relations, and press releases.

6. Recognition

The Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP Offset Amount identified in this Attachment A and in the attached Agreed Order has not been, and shall not be, included as a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.