

**Executive Summary – Enforcement Matter – Case No. 62581**  
**Military Highway Water Supply Corporation**  
**RN101258515**  
**Docket No. 2022-0816-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:**

No

**Location(s) Where Violation(s) Occurred:**

Military Highway Water Supply Corporation, located on U.S. Highway 281 approximately 0.80 mile west of Los Indios, Cameron County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No If

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** October 7, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$4,625

**Amount Deferred for Naturally Occurring Inorganic Contaminants:** \$4,625

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**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):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** June 20, 2022 through July 1, 2022

**Date(s) of NOE(s):** July 1, 2022

**Executive Summary – Enforcement Matter – Case No. 62581**  
**Military Highway Water Supply Corporation**  
**RN101258515**  
**Docket No. 2022-0816-PWS-E**

***Violation Information***

Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter for arsenic based on a running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 180 days, submit an acceptable written plan including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this order with the MCL for arsenic;
- b. Within 195 days, submit written certification to demonstrate compliance with a.;
- c. Within 365 days, and on a semi-annual basis, thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic;
- d. Within 1,095 days, return to compliance with the MCL for arsenic based on a running annual average; and
- e. Within 1,110 days, submit written certification to demonstrate compliance with d.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Claudia Bartley, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1116; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Juan J. Ramos, Jr., President, Military Highway Water Supply Corporation, P.O. Box 250, Progreso, Texas 78579  
Consuela De La Rosa, General Manager, Military Highway Water Supply Corporation, P.O. Box 250, Progreso, Texas 78579

**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>	5-Jul-2022	<b>Screening</b>	6-Jul-2022	<b>EPA Due</b>	30-Sep-2022
	<b>PCW</b>	6-Jul-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Military Highway Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN101258515
<b>Facility/Site Region</b>	15-Harlingen
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62581	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-0816-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>	Claudia Bartley
		<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>	\$2,500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	85.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,125
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Notes: Enhancement for three NOVs with the same/similar violations, one agreed order containing a denial of liability and two agreed orders without a denial of liability.

<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: \$11,691  
 Estimated Cost of Compliance: \$40,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$4,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$4,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,625
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<b>DEFERRAL</b>	100.0%	Reduction	<b>Adjustment</b>	-\$4,625
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: The Executive Director recommends a conditional deferral for naturally occurring constituents.

<b>PAYABLE PENALTY</b>	\$0
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**Screening Date** 6-Jul-2022

**Docket No.** 2022-0816-PWS-E

**PCW**

**Respondent** Military Highway Water Supply Corporation

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62581

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101258515

**Media** Public Water Supply

**Enf. Coordinator** Claudia Bartley

### Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	3	15%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 85%

#### >> 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 three NOVs with the same/similar violations, one agreed order containing a denial of liability and two agreed orders without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 85%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 85%

Screening Date 6-Jul-2022

Docket No. 2022-0816-PWS-E

PCW

Respondent Military Highway Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 62581

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101258515

Media Public Water Supply

Enf. Coordinator Claudia Bartley

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.106(f)(3)(C) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic based on a running annual average. Specifically, the running annual average concentrations for arsenic were 0.013 mg/L for the third quarter of 2021, 0.013 mg/L for the fourth quarter of 2021, and 0.013 mg/L for the first quarter of 2022.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR			Harm			
	Release	Major	Moderate	Minor		
	Actual		x		Percent	50.0%
	Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent	0.0%

Matrix Notes Exceeding the MCL for arsenic caused the persons served by the Facility to be exposed to a significant amount of pollutants which do not exceed levels protective of human health.

Adjustment \$2,500

\$2,500

Violation Events

Number of Violation Events 1 273 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$2,500

One annual 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 \$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,691

Violation Final Penalty Total \$4,625

This violation Final Assessed Penalty (adjusted for limits) \$4,625

# Economic Benefit Worksheet

**Respondent** Military Highway Water Supply Corporation  
**Case ID No.** 62581  
**Reg. Ent. Reference No.** RN101258515  
**Media Violation No.** Public Water Supply  
 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Sep-2021	2-Dec-2025	4.18	\$557	\$11,134	\$11,691
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for arsenic, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

## Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$40,000

**TOTAL** \$11,691



# Compliance History Report

Compliance History Report for CN600666390, RN101258515, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600666390, Military Highway Water Supply Corporation	<b>Classification:</b> SATISFACTORY	<b>Rating:</b> 1.25
<b>Regulated Entity:</b>	RN101258515, MILITARY HIGHWAY WATER SUPPLY CORPORATION	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	ON UNITED STATES HIGHWAY 281 APPROXIMATELY 0.80 MILES WEST OF LOS INDIOS, CAMERON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 15 - HARLINGEN		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1080067		

<b>Compliance History Period:</b>	September 01, 2016 to August 31, 2021	<b>Rating Year:</b>	2021	<b>Rating Date:</b>	09/01/2021
<b>Date Compliance History Report Prepared:</b>	July 14, 2022				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	July 05, 2017 to July 05, 2022				

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

**Name:** Claudia Bartley

**Phone:** (512) 239-1116

## Site and Owner/Operator History:

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

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

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

- |   |   |   |
|---|---|---|
| 1 | Effective Date: 03/12/2018  | ADMINORDER 2017-0845-PWS-E (Findings Order-Agreed Order Without Denial) |
|   | Classification: Moderate  |   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)<br>5A THSC Chapter 341, SubChapter A 341.0315(c)   |   |
|   | Description: TTHM LRAA MCL 4Q2016 - During the 4th quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.117 mg/L at 120 Barreda Jardin Williams Circle (DBP2-01); and with a LRAA of 0.101 mg/L at 2480 East Hwy 77 San Benito (DBP2-03); and with a LRAA of 0.083 mg/L at 20411 W Bowie Rd and Oyama Rd (DBP2-04). |   |
|   | Classification: Moderate  |   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)<br>5A THSC Chapter 341, SubChapter A 341.0315(c)   |   |
|   | Description: TTHM LRAA MCL 3Q2016 - During the 3rd quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.089 mg/L at 2480 East Hwy 77 San Benito (DBP2-03); and with a LRAA of 0.082 mg/L at 120 Barreda Jardin Williams Circle (DBP2-01).   |   |
|   | Classification: Moderate  |   |
|   | Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)<br>5A THSC Chapter 341, SubChapter A 341.0315(c)   |   |
|   | Description: TTHM LRAA MCL 1Q2017 - During the first quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.090 mg/L at 20411 W Bowie Rd and Oyama Rd (DBP2-04), a LRAA of 0.108 mg/L at 2480 East Hwy 77 San Benito (DBP2-03), and a LRAA of 0.127 mg/L at 120 Barreda Jardin Williams Circle (DBP2-01).             |   |
| 2 | Effective Date: 07/16/2019  | ADMINORDER 2018-1322-MLM-E (1660 Order-Agreed Order With Denial)        |
|   | Classification: Moderate  |   |

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)  
Description: Failure to provide an all weather access road to each well site.  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(G)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Failure to provide a minimum of 100 gallons per connection elevated storage.  
Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(a)  
Description: Failure to comply with General Prohibition requirements which states a person may not cause, suffer, allow, or permit the collection, storage, transportation, processing, or disposal of municipal solid waste (MSW), or the use or operation of a solid waste facility to store, process, or dispose of solid waste, or to extract materials under Texas Health and Safety Code (THSC), §361.092, in violation of the THSC, or any regulations, rules, permit, license, order of the commission.  
Classification: Moderate

Citation: 30 TAC Chapter 330, SubChapter A 330.15(c)  
Description: Failure to comply with General Prohibition requirements which states a person may not cause, suffer, allow, or permit the dumping or disposal of municipal solid waste (MSW) without the written authorization of the commission.  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)  
Description: Failure to provide adequate containment for all liquid chemical storage tanks.  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)  
Description: Failure to maintain the depth and condition of the filter media.

- 3 Effective Date: 01/21/2020 ADMINORDER 2019-0128-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 4Q2018 - During the 4th quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.084 mg/L at 120 Williams Circle, Brownsville (DBP2-01).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 3Q2018 - During the 3rd quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.087 mg/L at 120 Williams Circle, Brownsville (DBP2-01).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.067 mg/L at 120 Williams Circle, Brownsville (DBP2-01).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 5	May 14, 2018	(1483532)
Item 7	January 31, 2020	(1624555)
Item 10	May 23, 2022	(1802982)

**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: 10/07/2021 (1824690)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: ARS MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for Arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5





## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 7/5/2017 and 7/5/2022

- 1 Date: 07/10/2018 (1538825)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 2Q2018 - During the 2nd quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.067 mg/L at 120 Williams Circle, Brownsville (DBP2-01).
- 2 Date: 09/28/2018 (1538825)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 3Q2018 - During the 3rd quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.087 mg/L at 120 Williams Circle, Brownsville (DBP2-01).
- 3 Date: 01/03/2019 (1538825)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: HAA5 LRAA MCL 4Q2018 - During the 4th quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.084 mg/L at 120 Williams Circle, Brownsville (DBP2-01).
- 4 Date: 10/09/2019 (1580466)  
Self Report? NO Classification: Minor  
Citation:  
30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)  
Description: Failure to maintain the depth and condition of the filter media.  
Self Report? NO Classification: Minor  
Citation:  
30 TAC Chapter 290, SubChapter D 290.43(e)  
Description: Failure to maintain the Los Lagos elevated storage tank site in an intruder resistant manner. Specifically, the three strands of barbed wire along the top of the north fence at Los Lagos elevated storage tank site had a collapsed.
- 5\* Date: 02/10/2021 (1679397)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter D 290.46(d)(2)(B)  
Description: Failure to maintain an adequate disinfectant residual. Specifically, during a complaint investigation on September 21, 2020, the chloramine disinfectant residual in the distribution system was noted to be 0.12 milligrams per liter (mg/l) total chlorine at the 7000 block of Gastin Drive, San Pedro, Texas.
- 6 Date: 10/07/2021 (1824690)  
Self Report? NO Classification: Moderate  
Citation:  
30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
Description: ARS MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for Arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5

7 Date: 12/15/2021 (1824690)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 Description: ARS MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for Arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5

8 Date: 06/14/2022 (1824690)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 Description: ARS MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for Arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5

\* NOV's applicable for the Compliance History rating period 9/1/2016 to 8/31/2021

**Appendix B**  
**All Investigations Conducted During Component Period July 05, 2017 and July 05, 2022**

Item 1*	May 14, 2018**	(1483532)
Item 2	August 31, 2018**	(1506260)
Item 3	January 14, 2019**	(1538825)
Item 4	January 18, 2019**	(1539048)
Item 5	October 10, 2019**	(1580466)
Item 6*	January 31, 2020**	(1624555)
Item 7*	May 23, 2022	(1802982)
Item 8	June 28, 2022	(1824690)
Item 9	July 01, 2022	(1825203)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2016 and 08/31/2021.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MILITARY HIGHWAY WATER SUPPLY  
CORPORATION  
RN101258515

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2022-0816-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Military Highway 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 on United States Highway 281 approximately 0.80 miles west of Los Indios, Cameron County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 6,410 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 of the Facility conducted on June 20, 2022 through July 1, 2022, an investigator documented that the running annual average concentrations for arsenic were 0.013 milligrams per liter ("mg/L") for the third quarter of 2021, 0.013 mg/L for the fourth quarter of 2021, and 0.013 mg/L for the first quarter of 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, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.010 mg/L for arsenic based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. 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.
4. An administrative penalty in the amount of \$4,625 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 amount of \$4,625 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

## 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. 4 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: Military Highway Water Supply Corporation, Docket No. 2022-0816-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. Within 180 days after the effective date of this Order, submit an acceptable written plan including a proposed schedule and any applicable planning materials, to the executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective

actions to achieve compliance within 1,095 days after the effective date of this order with the MCL for arsenic to the addresses listed in Ordering Provision No. 2.e below.

- b. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 365 days after the effective date of this Order, and on a semi-annual basis, thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.e below. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic.
- d. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for arsenic based on a running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- e. Within 1,110 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.d. 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:

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.

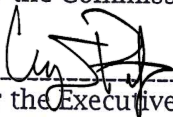
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension 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



3/10/2023

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For the Executive Director

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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.

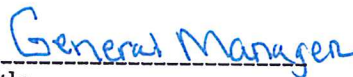


9/1/2022

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Signature

-----  
Date





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Name (Printed or typed)

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Title

Authorized Representative of  
Military Highway Water Supply Corporation

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.