Executive Summary - Enforcement Matter - Case No. 62708 COKE COUNTY WATER SUPPLY CORPORATION RN101220820 Docket No. 2022-0944-PWS-E

Order Type: Findings Agreed Order Findings Order Justification: Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s). Media: PWS **Small Business:** Yes Location(s) Where Violation(s) Occurred: Coke County WSC, 10390 West State Highway 158 near Robert Lee, Coke County **Type of Operation:** Public water supply **Other Significant Matters:** Additional Pending Enforcement Actions: No Past-Due Penalties: No Other: N/A Interested Third-Parties: None Texas Register Publication Date: November 4, 2022 Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,687 Total Paid to General Revenue: \$1,687 Total Due to General Revenue: \$0 Payment Plan: N/A Compliance History Classifications: Person/CN - N/A Site/RN - N/A Major Source: No Statutory Limit Adjustment: N/A Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A Complaint Information: N/A Date(s) of Investigation: June 27, 2022 through July 15, 2022 Date(s) of NOE(s): July 15, 2022

Executive Summary - Enforcement Matter - Case No. 62708 COKE COUNTY WATER SUPPLY CORPORATION RN101220820 Docket No. 2022-0944-PWS-E

Violation Information

Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 Tex. ADMIN. CODE § 290.115(f)(1) 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 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and

b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A TCEQ Enforcement Coordinator: Corinna Willis, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-2504; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548 **Respondent:** Blake Pitcock, President, COKE COUNTY WATER SUPPLY CORPORATION, 10390 West State Highway 158, Robert Lee, Texas 76945 Jack Smith, Vice President, COKE COUNTY WATER SUPPLY CORPORATION, 10390 West State Highway 158, Robert Lee, Texas 76945 **Respondent's Attorney:** N/A

S COMMISSION	Policy R	Pe evision 5 (January 28	•	Calculation	n Worksh	neet (PC	-	vision February	y 11, 2021
DATES	Assigned	18-Jul-2022							
	PCW	4-Aug-2022	Screening	28-Jul-2022	EPA Due	30-Sep-2022			
			~ * *						
RESPO		COKE COUNTY V		VCORDORATIO	N1				1
Red	g. Ent. Ref. No.		ATER SUPPL		N				-
	ty/Site Region				Major/M	inor Source	Minor		
		-							
	NFORMATION	60700							-
En	f./Case ID No.	62708 2022-0944-PWS			No. d	of Violations Order Type			-
Med		Public Water Sup			Government				
mee	Multi-Media		, pry				Corinna Willis		
						EC's Team	Enforcement 1	Feam 2	
Adr	min.Penalty \$	Limit Minimum	\$50	Maximum	\$5,000				
			Penal	ty Calculat	tion Section	on			
ΤΟΤΑ	L BASE PENA	LTY (Sum of	violation	base penalt	ies)		Subtotal 1		\$1,250
		-		-	-				
ADJU	STMENTS (+	/-) TO SUBTO otained by multiplying	DTAL 1	Penalty (Subtotal 1)) by the indicated n	ercentage			
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	compliance in	· · · ·	or three NO		.,				<i><i>ϕ</i> 107</i>
	Notes			/s with the same containing a den		ons and one			
		di	greed order o	containing a den	ial of hability.		ļ		
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
]		1-
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	_								
	Economic Ben	Total EB Amounts	\$771		Enhancement* I at the Total EB \$ A	Amount	Subtotal 6		\$0
	Estimated	I Cost of Compliance	\$5,000	Саррец		Amount			
		-		-					
SUM (OF SUBTOTA	LS 1-7				F	inal Subtotal		\$1,687
		AS JUSTICE M I Subtotal by the indic			0.0%		Adjustment		\$0
Reduces (ateu percentag	e.			1		
	Notes								
						Final Pen	alty Amount		\$1,687
STATU	UTORY LIMI	r adjustmen	IT			Final Asse	ssed Penalty		\$1,687
									+0
DEFE		enalty by the indicated	l porcontago		0.0%	Reduction	Adjustment		\$0
Reduces t	the Final Assessed Pe		i percentage.				1		
	Notes	No d	eferral is red	commended for	Findings Orders				
							4		
PAYA	BLE PENALT	Y							\$1,687

	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%				
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%				
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%				
	Judgments	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%				
	and Consent Decrees	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%				
	Any criminal convictions of this state or the federal government (<i>number of counts</i>)		0	0%				
	Emissions	Chronic excessive emissions events (number of events)	0	0%				
	Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%				
	Addits	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%				
		Environmental management systems in place for one year or more	No	0%				
	Other	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%				
		Participation in a voluntary pollution reduction program	No	0%				
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%				
		Adjustment Per	centage (Sub	total 2)	35%			
>> Re	peat Violator	(Subtotal 3)						
	N/A	Adjustment Per	centage (Sub	total 3)	0%			
>> Co	mpliance Hist	ory Person Classification (Subtotal 7)						
N/A Adjustment Percentage (Subtotal 7) 0%								
>> Co	mpliance Hist	ory Summary						
	Compliance History Notes Enhancement for three NOVs with the same/similar violations and one agreed order containing a denial of liability.							
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7)	35%			
>> Fina	al Compliance	History Adjustment <i>Final Adjustment Percent</i>	200 *******	+ 1000/	250/			
		rinai Aujustinent Percenta	aye "capped a	11 100%	35%			

Media Public Water Supply Enf. Coordinator Corinna Willis

Respondent COKE COUNTY WATER SUPPLY CORPORATION

Screening Date 28-Jul-2022

Case ID No. 62708

Reg. Ent. Reference No. RN101220820

Component Number of...

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

Written notices of violation ("NOVs") with same or similar violations as those in

Docket No. 2022-0944-PWS-E

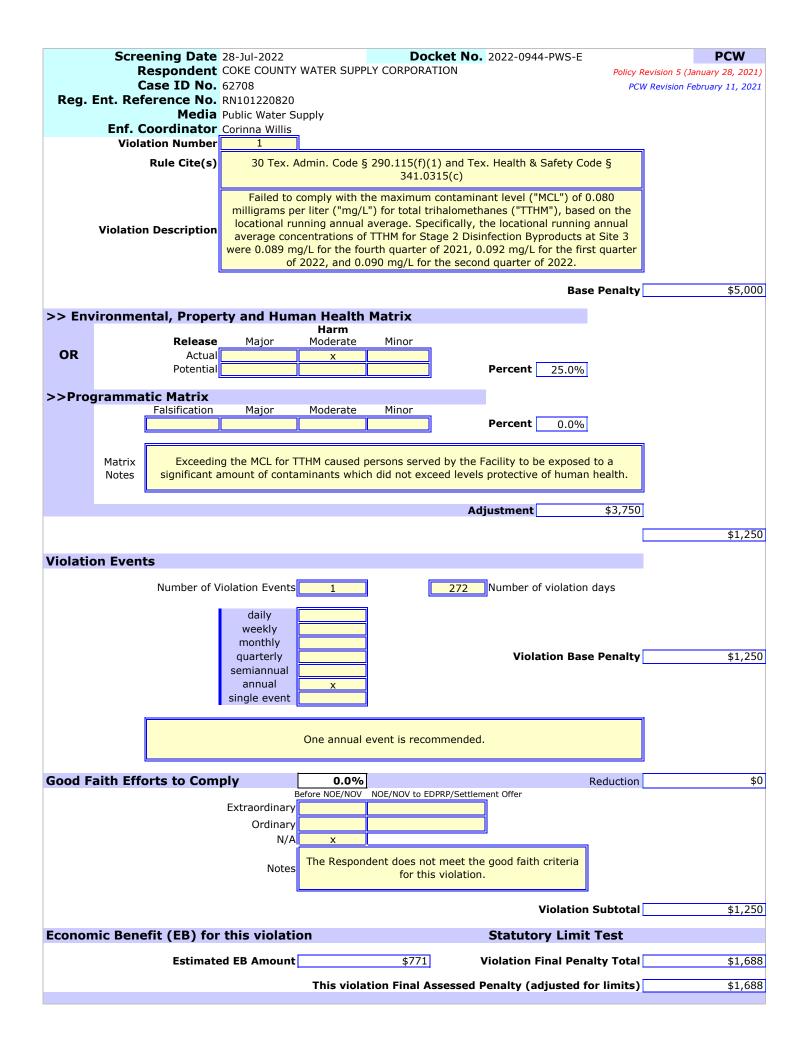
Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021

Adjust.

Number

2

PCW



Case ID No Reg. Ent. Reference No	62708	WATER SUPPLY					
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	า						
Delayed Costs	5			_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	31-Dec-2021	14-Mar-2024	2.20	\$37	\$734	\$771
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)	The cost in	cluded the estimation	ated cost to inve	0.00 stigate	\$0	n/a	\$0
Other (as needed) Notes for DELAYED costs		turn to compliance	e with the MCL f	stigate, or TTHN	identify, and impl	n/a ement the necessar the last day of the f	\$0 y corrective
Notes for DELAYED costs	actions to re	turn to compliance non	e with the MCL f compliance to th	stigate, or TTHN ne estim	identify, and impl 1, calculated from nated date of comp	n/a ement the necessar the last day of the f	\$0 y corrective irst quarter of
	actions to re	turn to compliance non	e with the MCL f compliance to th	stigate, or TTHN ne estim	identify, and impl 1, calculated from nated date of comp	n/a ement the necessar the last day of the f pliance.	\$0 y corrective irst quarter of
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Compliance History Report

Compliance History Report for CN600662332, RN101220820, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Responde Owner/Operator:	ent, or CN600662332, COKE COUNTY WATER CORPORATION	R SUPPLYClassification: NOT APPL	CABLE Rating: N/A
Regulated Entity:	RN101220820, COKE COUNTY WSC	Classification: NOT APPL	ICABLE Rating: N/A
Complexity Points:	N/A	Repeat Violator: N/A	
CH Group:	14 - Other		
Location:	10390 WEST STATE HIGHWAY 158 N	EAR ROBERT LEE, COKE COUNTY, TEXAS	5
TCEQ Region:	REGION 08 - SAN ANGELO		
ID Number(s): PUBLIC WATER SYSTE	M/SUPPLY REGISTRATION 0410017		
Compliance History	Period: September 01, 2016 to August 3	Rating Year: 2021	Rating Date: 09/01/2021
Date Compliance His	tory Report Prepared: July 26, 20)22	
Agency Decision Rec	uiring Compliance History: Enfo	prcement	
Component Period S	elected: July 26, 2017 to July 26, 202	2	
TCEQ Staff Member	to Contact for Additional Informatio	n Regarding This Compliance H	istory.
Name: Corinna W	/illis	Phone: (512) 239	-2504
	wn) change in ownership/operator of the site		NO
	-		
	e: 07/17/2018 ADMINORDEF	: २ 2017-1107-PWS-E (1660 Order-Agre	eed Order With Denial)
	on: Moderate		
Citation:	30 TAC Chapter 290, SubChapter D 290.46	(f)(2)	
	30 TAC Chapter 290, SubChapter D 290.46	(f)(3)(A)(iii)	
system, an	 Failure to maintain the date, location, and d the results of any subsequent complaint in on: Moderate 	1 // 1 /	tage complaints received by the
Citation:	30 TAC Chapter 290, SubChapter D 290.46 5A THSC Chapter 341, SubChapter A 341.0		
aware of co	 Failure to implement special precautions, ponditions which indicate that the potability of on: Moderate 	protective measures, and boil water not	
Citation:	30 TAC Chapter 290, SubChapter D 290.44	(d)	
	30 TAC Chapter 290, SubChapter D 290.46	(r)	
Descriptior conditions.	a: Failure to maintain a minimum pressure o	f 35 psi throughout the distribution syst	em under normal operating
B. Criminal convicti	ons:		

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	February 26, 2018	(1471375)
Item 2	August 21, 2018	(1511068)
Item 3	November 04, 2019	(1605238)

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: 01/1	3/2022	(1827273)		
	Self Report?	NO		Classification:	Moderate
	Citation: Description:	TTHM LI maximu	Chapter 290, SubChapter F 290.115 RAA MCL 4Q2021 – During the 4th c im contaminant level for trihalometh ; Robert Lee (DBP2-03). ETT Point V	quarter of 2021 the standards with a LRAA of	,
2	Date: 04/1	2/2022	(1827273)		
	Self Report?	NO		Classification:	Moderate
	Citation: Description:	TTHM LI maximu	Chapter 290, SubChapter F 290.115 RAA MCL 1Q2022 – During the 1st q Im contaminant level for trihalometh ; Robert Lee (DBP2-03). ETT Point V	uarter of 2022 the synames with a LRAA of	
3	Date: 06/2	22/2022	(1827273)		
	Self Report?	NO		Classification:	Moderate
	Citation: Description:	TTHM LI maximu	Chapter 290, SubChapter F 290.115 RAA MCL 2Q2022 – During the 2nd o Im contaminant level for trihalometh ; Robert Lee (DBP2-03). ETT Point V	quarter of 2022 the s nanes with a LRAA of	

F. Environmental audits:

N/A

- G. Type of environmental management systems (EMSs): N/A
- H. Voluntary on-site compliance assessment dates: $_{\mbox{N/A}}$
- 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 COKE COUNTY WATER SUPPLY CORPORATION RN101220820 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2022-0944-PWS-E

On _______, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding COKE COUNTY 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 they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

- 1. The Respondent owns and operates a public water supply located at 10390 West State Highway 158 near Robert Lee, Coke County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 191 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 for the Facility conducted on June 27, 2022 through July 15, 2022, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 3 were 0.089 milligrams per liter ("mg/L") for the fourth quarter of 2021, 0.092 mg/L for the first quarter of 2022, and 0.090 mg/L for the second quarter of 2022.

COKE COUNTY WATER SUPPLY CORPORATION DOCKET NO. 2022-0944-PWS-E Page 2

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 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 Tex. ADMIN. CODE § 290.115(f)(1) 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 \$1,687 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,687 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: COKE COUNTY WATER SUPPLY CORPORATION, Docket No. 2022-0944-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 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 Tex. ADMIN. CODE § 290.115.
 - b. 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 No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

COKE COUNTY WATER SUPPLY CORPORATION DOCKET NO. 2022-0944-PWS-E Page 3

"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 Manager Enforcement Division, MC 149A 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 Enforcement Division 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.

COKE COUNTY WATER SUPPLY CORPORATION DOCKET NO. 2022-0944-PWS-E Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission ve Director

Date

3/30/2023

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the 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

Name (Printed or typed) Authorized Representative of COKE COUNTY WATER SUPPLY CORPORATION

<u>|3/23</u> te/

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