

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 63154
SRC Water Supply Inc
RN105878870
Docket No. 2022-1332-UTL-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
774 County Road 2050, Center, Shelby County (the “Utility”)

Type of Operation:
water utility

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Case No. 62546 (pending OAG referral);
2021-1047-PWS-E; 2022-1163-UTL-E;
2022-1259-UTL-E; 2022-1266-UTL-E;
2022-1277-UTL-E; 2022-1277-UTL-E;
2022-1328-UTL-E

Past-Due Penalties: \$228

Past-Due Fees: \$18,356.76

Other: None

Interested Third-Parties: None

Texas Register Publication Date: July 21, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$640

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$640

Compliance History Classifications:

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

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 9, 2022 through September 22, 2022

Date(s) of NOV(s): July 8, 2022

Date(s) of NOE(s): September 23, 2022

SRC Water Supply Inc
RN105878870
Docket No. 2022-1332-UTL-E

Violation Information

Failed to adopt and submit to TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Utility's ability to provide emergency operations [TEX. WATER CODE § 13.1394(b)(2)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 90 days develop and submit to TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations. The EPP must demonstrate Respondent's ability to provide emergency operations.
Respond completely to all requests for information about the submitted or forthcoming EPP.
2. Within 105 days submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 270 days obtain approval from TCEQ for the EPP submitted pursuant to Technical Requirement No. 1.
4. Within 285 days submit written certification to demonstrate compliance with Technical Requirement No. 3.

Litigation Information

Date Petition(s) Filed: April 13, 2023

Date(s) of Service: April 20, 2023

Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Megan Grace, Litigation Division, (512) 239-3400

Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Samantha Salas, Enforcement Division, (512) 239-1543

TCEQ Regional Contact: Ronald Hebert, Beaumont Regional Office, (409) 898-3838

Respondent Contact: Sandra R. Barbey, President, SRC Water Supply Inc, PO Box 385, Mount Enterprise, Texas 75681

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	4-Oct-2022	Screening	10-Oct-2022	EPA Due	
	PCW	31-Oct-2022				

RESPONDENT/FACILITY INFORMATION	
Respondent	SRC Water Supply Inc
Reg. Ent. Ref. No.	RN105878870
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	63154	No. of Violations	1
Docket No.	2022-1332-UTL-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Ecko Beggs
		EC's Team	Enforcement Team 4
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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.	
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Compliance History	18.0% Adjustment	Subtotals 2, 3, & 7	\$90
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Notes: Enhancement for one agreed order containing a denial of liability and four NOV's with dissimilar violations. Reduction for High Performer classification.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$8	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$180	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$590
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OTHER FACTORS AS JUSTICE MAY REQUIRE	8.5% Adjustment	\$50
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to offset the reduction for high performer.

Final Penalty Amount	\$640
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$640
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$640
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Screening Date 10-Oct-2022

Docket No. 2022-1332-UTL-E

PCW

Respondent SRC Water Supply Inc

Policy Revision 5 (January 28, 2021)

Case ID No. 63154

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN105878870

Media Public Water Supply

Enf. Coordinator Ecko Beggs

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>)	0	0%
	Other written NOVs	4	8%
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	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) 28%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability and four NOVs with dissimilar violations. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 18%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 18%

Screening Date 10-Oct-2022
Respondent SRC Water Supply Inc
Case ID No. 63154
Reg. Ent. Reference No. RN105878870
Media Public Water Supply
Enf. Coordinator Ecko Beggs

Docket No. 2022-1332-UTL-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Violation Number 1

Rule Cite(s)

Tex. Water Code § 13.1394(b)(2)

Violation Description

Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

Base Penalty \$5,000

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

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 \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$640

This violation Final Assessed Penalty (adjusted for limits) \$640

Economic Benefit Worksheet

Respondent SRC Water Supply Inc
Case ID No. 63154
Reg. Ent. Reference No. RN105878870
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	9-Sep-2022	15-Jul-2023	0.85	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to develop and submit to the TCEQ for approval an EPP that demonstrates the Facility's ability to provide emergency operations, 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 \$180

TOTAL \$8



Compliance History Report

Compliance History Report for CN604841528, RN105878870, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator: CN604841528, SRC Water Supply Inc **Classification:** HIGH **Rating:** 0.00
Regulated Entity: RN105878870, SHELBY WATER **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 774 COUNTY ROAD 2050 IN CENTER, SHELBY COUNTY, TEXAS
TCEQ Region: REGION 10 - BEAUMONT
ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2100038

Compliance History Period: September 01, 2017 to August 31, 2022 **Rating Year:** 2022 **Rating Date:** 09/01/2022
Date Compliance History Report Prepared: December 15, 2022
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: December 15, 2017 to December 15, 2022

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

Name: Ecko Beggs

Phone: (512) 239-2905

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? YES
- 3) Who is the current owner/operator? SRC WATER SUPPLY INC OWNER since 7/8/2020
- 4) Who was/were the prior owner(s)/operator(s)?
BARBEY, SANDRA R, OWNER, 12/30/2014 to 7/7/2020
LASS WATER COMPANY INC, OWNER, 5/20/2014 to 7/7/2020
Lass Utility Service Company Inc, OWNER, 5/27/2011 to 7/7/2020

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

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

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the map of the distribution system did not have the flush valves or size of the water lines labeled

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)

Description: Failure to calibrate the Facility's well meter at least once every three years.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the dates the dead-end mains were flushed were not maintained on-site for review.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)

30 TAC Chapter 290, SubChapter F 290.121(b)

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling

locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will

use to comply with the monitoring requirements. Specifically, the monitoring plan did not have the frequency, sample sites, compliance calculations, and labs used included in the lead and copper section.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 1.5 gallons per minute ("gpm") per connection. Specifically, the Facility had 23 connections requiring a well capacity of 34.5 gpm. However, only 31 gpm were provided, indicating a 10% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a pressure tank capacity of 50 gallons per connection. Specifically, the Facility had 23 connections requiring a well capacity of 1,150 gallons. However, only 900 gallons were provided, indicating a 22% deficiency.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Description: Failure to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92100038 for Fiscal Years 2019 and 2020.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	January 25, 2019	(1539716)
Item 2	April 19, 2022	(1805225)

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: 03/24/2022 (1861121)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(6)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)
- Description: NO3 MR YR2021 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2021 to 12/31/2021 within the required timeline. ETT Point Value = 5; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 09/28/2021
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.115(e)
30 TAC Chapter 290, SubChapter F 290.115(f)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(4)
- Description: DBP2 MR 3Y2021 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2019 to 12/31/2021. ETT Point Value = 1; SAMPLE RESULTS NOT SUBMITTED, SAMPLE COLLECTED ON 09/28/2021
- 2 Date: 04/18/2022 (1804080)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
- Description: Failure by Shelby Water to have operating records accessible for review upon request.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
- Description: Failure by Shelby Water to have a recorded deed and map or sanitary control easements that cover all of the property within 150 feet of the well.
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)
- Description: Failure by Shelby Water to maintain well completion data.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
 Description: Failure by Shelby Water to adopt an adequate plumbing ordinance, regulation, or service agreement.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
 Description: Failure by Shelby Water to issue a Boil Water Notice (BWN) to the customers using the prescribed notification format as specified in 30 TAC 290.47(c).

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)
 Description: Failure by Shelby Water to update the drought contingency plan every five years.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure by Shelby Water to maintain the fence free of vegetation.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(Q)
 Description: Failure by Shelby Water to have a well air release device covered with 16-mesh or finer.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Description: Failure by Shelby Water to maintain a copy of the monitoring plan at each water treatment plant and at a central location.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure by Shelby Water to perform maintenance and housekeeping practices used by a public water system to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
 Description: Failure by Shelby Water to monitor the disinfectant residual at representative locations in the distribution system at least once every seven days.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(1)(B)
 Description: Failure by Shelby Water to obtain routine distribution coliform samples at locations specified in the system's monitoring plan.

3 Date: 06/16/2022 (1861121)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2022 within the required timeline. ETT Point Value = 1

4 Date: 09/01/2022 (1861121)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 2Q2022 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2022 within the required timeline. ETT Point Value = 1

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
SRC WATER SUPPLY INC;
RN105878870

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER

DOCKET NO. 2022-1332-UTL-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is SRC Water Supply Inc (“Respondent”).

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

FINDINGS OF FACT

1. Respondent owns and/or operates a retail public utility, exempt utility, or provider or conveyor of potable or raw water service located at 774 County Road 2050 in Center, Shelby County, Texas (the "Utility"). The Utility furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more.
2. During a record review conducted on September 9, 2022, through September 22, 2022, an investigator documented that Respondent failed to adopt and submit to TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Utility’s ability to provide emergency operations.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SRC Water Supply Inc” (the “EDPRP”) in the TCEQ Chief Clerk’s office on April 13, 2023.
4. By letter dated April 13, 2023, sent to Respondent’s last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt “green card,” Respondent received notice of the EDPRP on April 20, 2023, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to adopt and submit to TCEQ for approval an EPP that demonstrates the Utility’s ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1394(b)(2).

3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of six hundred forty dollars (\$640.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151(b).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of six hundred forty dollars (\$640.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: SRC Water Supply Inc; Docket No. 2022-1332-UTL-E" to:

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

3. Respondent shall undertake the following technical requirements:
 - a. Within 90 days after the effective date of this Order, develop and submit to TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in accordance with TEX. WATER CODE § 13.1394(b)(2). The EPP must demonstrate Respondent's ability to provide emergency operations, as described by TEX. WATER CODE § 13.1394(b)(1), and shall be submitted to:

Emergency Response and Preparedness Section, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

Respondent shall respond completely and adequately, as determined by TCEQ, within 10 days or by any other deadline specified in writing, to all requests for information about the submitted or forthcoming EPP.

- b. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 270 days after the effective date of this Order, obtain approval from TCEQ for the EPP submitted pursuant to Ordering Provision No. 3.a., in accordance with TEX. WATER CODE § 13.1394(b)(2).
- d. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations.”

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Utility 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within

- seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
 9. 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.
 10. 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.
 11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF MEGAN L. GRACE

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the ‘Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of SRC Water Supply Inc’ (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on April 13, 2023.

The EDPRP was mailed to Respondent’s last known address on April 13, 2023, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card,” Respondent received notice of the EDPRP on April 20, 2023, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.”

"My name is Megan L. Grace, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct.”

Executed in Travis County,
State of Texas,
on the 12th day of June, 2023

A handwritten signature in black ink, appearing to read "Megan L. Grace", written over a horizontal line.

Declarant