

Executive Summary – Enforcement Matter – Case No. 63354
Trinity Rural Water Supply Corporation
RN102687134
Docket No. 2022-1583-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Trinity Rural WSC 3, 4188 Farm-to-Market Road 355, Groveton, Trinity County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket No. 2023-0484-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 31, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$8,300

Amount Deferred for Expedited Settlement: \$1,660

Total Paid to General Revenue: \$6,640

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: September 21, 2022

Date(s) of NOE(s): October 18, 2022

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RN102687134
Docket No. 2022-1583-PWS-E

Violation Information

1. Failed to plug an abandoned public water supply well with cement or submit test results proving that the well is in a non-deteriorated condition. Specifically, Well No. 2 has been out of service since September 2016 and has not been plugged [30 TEX. ADMIN. CODE § 290.46(u)].
2. Failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the West standpipe had holes in the roof [30 TEX. ADMIN. CODE § 290.43(c)(6)].
3. Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards. Specifically, the West standpipe had a significant amount of mildew and rust [30 TEX. ADMIN. CODE § 290.43(c)(8)].
4. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of each chemical used each day were not maintained on-site for review [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II)].
5. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring was not properly installed in the conduit near the caustic container and near the floor vent in the chlorine room [30 TEX. ADMIN. CODE § 290.46(v)].
6. Failed to comply with the minimum production capacity. Specifically, in a letter dated September 22, 2016, the Facility was granted an alternative capacity requirement of 0.32 gallons per minute ("gpm") per connection. The Facility had 464 connections requiring 148.48 gpm. However, only 100 gpm of production capacity was provided, indicating a 33% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) 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 30 days:

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- i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to the amount of each chemical used each day; and
- ii. Secure the electrical wiring in compliance with a local or national code for the conduit near the caustic container and near the floor vent in the chlorine room.
- b. Within 45 days, submit written certification to demonstrate compliance with a.
- c. Within 60 days, ensure that the Facility's West standpipe is painted, disinfected, and maintained in strict accordance with current AWWA standards.
- d. Within 75 days, submit written certification to demonstrate compliance with c.
- e. Within 90 days:
 - i. Plug the abandoned public water supply Well No. 2 with cement or submit test results proving that the well is in a non-deteriorated condition; and
 - ii. Ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, including but not limited to repairing the holes that were observed on the roof of the West standpipe.
- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 180 days, provide a total production capacity of at least 0.32 gpm per connection.
- h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Gerald Vinson, Board President, Trinity Rural Water Supply Corporation, 2290 Farm-to-Market 356, Trinity, Texas 75862

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	17-Oct-2022		
	PCW	17-Nov-2022	Screening	17-Nov-2022
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	Trinity Rural Water Supply Corporation			
Reg. Ent. Ref. No.	RN102687134			
Facility/Site Region	10-Beaumont	Major/Minor Source	Major	

CASE INFORMATION				
Enf./Case ID No.	63354	No. of Violations	6	
Docket No.	2022-1583-PWS-E	Order Type	1660	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Miles Wehner	
		EC's Team	Enforcement Team 5	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$8,300
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	0.0%	Adjustment	Subtotals 2, 3, & 7	\$0
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Notes	No adjustment for compliance history.
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,954	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$6,145	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$8,300
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$8,300
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$8,300
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,660
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$6,640
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Screening Date

17-Nov-2022

Docket No.

2022-1583-PWS-E

PCW

Respondent

Trinity Rural Water Supply Corporation

Case ID No.

63354

Reg. Ent. Reference No.

RN102687134

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2)0%

>> 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

No adjustment for compliance history.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)0%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%0%

Screening Date		17-Nov-2022		Docket No.		2022-1583-PWS-E		PCW	
Respondent		Trinity Rural Water Supply Corporation						Policy Revision 5 (January 28, 2021)	
Case ID No.		63354						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN102687134							
Media		Public Water Supply							
Enf. Coordinator		Miles Wehner							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code § 290.46(u)							
Violation Description		Failed to plug an abandoned public water supply well with cement in accordance with 16 Tex. Admin. Code ch. 76 or submit test results proving that the well is in a non-deteriorated condition. Specifically, Well No. 2 has been out of service since September 2016 and has not been plugged.							
						Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Major		Moderate		Minor	
		Actual							
		Potential		x					
						Percent		30.0%	
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
						Percent		0.0%	
Matrix Notes		Failure to plug or test the abandoned well could cause the source water to be contaminated with pollutants which would exceed levels protective of human health.							
						Adjustment		\$3,500	
								\$1,500	
Violation Events									
		Number of Violation Events		2		57		Number of violation days	
		daily							
		weekly							
		monthly		x					
		quarterly							
		semiannual							
		annual							
		single event							
						Violation Base Penalty		\$3,000	
		Two monthly events are recommended, calculated from the record review date, September 21, 2022, to the screening date, November 17, 2022.							
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		\$3,000	
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$617		Violation Final Penalty Total		\$3,000	
						This violation Final Assessed Penalty (adjusted for limits)		\$3,000	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				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)	\$2,000	10-Oct-2018	10-Dec-2024	6.17	\$617	n/a	\$617
Notes for DELAYED costs	The delayed cost includes the estimated amount to plug or test the abandoned Well No. 2, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$2,000	TOTAL	\$617
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Screening Date	17-Nov-2022	Docket No.	2022-1583-PWS-E	PCW
Respondent	Trinity Rural Water Supply Corporation		<i>Policy Revision 5 (January 28, 2021)</i>	
Case ID No.	63354	<i>PCW Revision February 11, 2021</i>		
Reg. Ent. Reference No.	RN102687134			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(6)			
Violation Description	Failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage. Specifically, the West standpipe had holes in the roof.			
Base Penalty				\$5,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
				Percent 15.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Matrix Notes	Failure to ensure that potable water storage tanks are thoroughly tight against leaking could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
Adjustment				\$4,250
				\$750
Violation Events				
Number of Violation Events		1	57	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
				Violation Base Penalty \$750
One quarterly event is recommended, calculated from the record review date, September 21, 2022, to the screening date, November 17, 2022.				
Good Faith Efforts to Comply		0.0%	Reduction \$0	
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal				\$750
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$138	Violation Final Penalty Total \$750	
This violation Final Assessed Penalty (adjusted for limits)				\$750

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	11-Jan-2021	10-Dec-2024	3.92	\$7	\$131	\$138
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, including but not limited to repairing the holes on the West standpipe, calculated from the date of the investigation initially documenting the violation 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	\$500	TOTAL	\$138
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Screening Date 17-Nov-2022		Docket No. 2022-1583-PWS-E		PCW	
Respondent Trinity Rural Water Supply Corporation		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63354		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN102687134					
Media Public Water Supply					
Enf. Coordinator Miles Wehner					
Violation Number		3			
Rule Cite(s)		30 Tex. Admin. Code § 290.43(c)(8)			
Violation Description		Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association standards. Specifically, the West standpipe had a significant amount of mildew and rust.			
		Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential		x		Percent 15.0%
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to ensure that the standpipe is properly painted and maintained could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.				
				Adjustment	\$4,250
					\$750
Violation Events					
Number of Violation Events		1	57	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly		x		Violation Base Penalty \$750
	semiannual				
	annual				
	single event				
One quarterly event is recommended, calculated from the record review date, September 21, 2022, to the screening date, November 17, 2022.					
Good Faith Efforts to Comply		0.0%		Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary				
	Ordinary				
	N/A		x		
Notes	The Respondent does not meet the good faith criteria for this violation.				
				Violation Subtotal	\$750
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$853	Violation Final Penalty Total		\$750
This violation Final Assessed Penalty (adjusted for limits)				\$750	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 3

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	10-Oct-2018	10-Nov-2024	6.09	\$41	\$812	\$853
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to repair the exterior of the Facility's West standpipe, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$2,000	TOTAL	\$853
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Screening Date

17-Nov-2022

Docket No.

2022-1583-PWS-E

PCW

Respondent

Trinity Rural Water Supply Corporation

Case ID No.

63354

Reg. Ent. Reference No.

RN102687134

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(3)(A)(i)(II)

Violation Description

Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the records of the amount of each chemical used each day were not maintained on-site for review.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment

\$4,950

\$50

Violation Events

Number of Violation Events

1

57

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$8

Violation Final Penalty Total

\$50

This violation Final Assessed Penalty (adjusted for limits)

\$50

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 4

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	11-Jan-2021	11-Oct-2024	3.75	\$8	n/a	\$8
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.						

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

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

Approx. Cost of Compliance	\$45	TOTAL	\$8
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Screening Date	17-Nov-2022	Docket No.	2022-1583-PWS-E	PCW
Respondent	Trinity Rural Water Supply Corporation		Policy Revision 5 (January 28, 2021)	
Case ID No.	63354	PCW Revision February 11, 2021		
Reg. Ent. Reference No.	RN102687134			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(v)			
Violation Description	Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the electrical wiring was not properly installed in the conduit near the caustic container and near the floor vent in the chlorine room.			
Base Penalty				\$5,000
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential	x		
Percent				30.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0.0%
Matrix Notes	Failure to install wiring in compliance with a local or national electrical code could cause equipment to malfunction resulting in low pressure or outages which could expose persons served by the Facility to contaminants which would exceed levels protective of human health.			
Adjustment				\$3,500
				\$1,500
Violation Events				
Number of Violation Events		2	57	Number of violation days
	daily			
	weekly			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$3,000
Two monthly events are recommended, calculated from the record review date, September 21, 2022, to the screening date, November 17, 2022.				
Good Faith Efforts to Comply		0.0%	Reduction	
	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				\$3,000
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$26	Violation Final Penalty Total	
			\$3,000	
This violation Final Assessed Penalty (adjusted for limits)				\$3,000

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 5

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	11-Jan-2021	11-Oct-2024	3.75	\$1	\$25	\$26
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to secure the electrical wiring at the conduit near the caustic container and near the floor vent in the chlorine room in compliance with a local or national electrical code, calculated from the date of the investigation initially documenting the violation 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	\$100	TOTAL	\$26
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Screening Date	17-Nov-2022	Docket No.	2022-1583-PWS-E	PCW
Respondent	Trinity Rural Water Supply Corporation			Policy Revision 5 (January 28, 2021)
Case ID No.	63354			PCW Revision February 11, 2021
Reg. Ent. Reference No.	RN102687134			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(i) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to comply with the minimum production capacity. Specifically, in a letter dated September 22, 2016, the Facility was granted an alternative capacity requirement of 0.32 gallons per minute ("gpm") per connection. The Facility had 464 connections requiring 148.48 gpm. However, only 100 gpm of production capacity was provided, indicating a 33% deficiency.			
	Base Penalty	\$5,000		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual			
	Potential		x	
	Percent	15.0%		
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	Percent	0.0%		
Matrix Notes	Failure to provide adequate production capacity could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.			
	Adjustment	\$4,250		
		\$750		
Violation Events				
	Number of Violation Events	1	57	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
	Violation Base Penalty	\$750		
	One quarterly event is recommended, calculated from the record review date September 21, 2022 to the screening date November 17, 2022.			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer	
	Extraordinary			
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
	Violation Subtotal	\$750		
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$312	Violation Final Penalty Total	\$750
	This violation Final Assessed Penalty (adjusted for limits)			\$750

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. Trinity Rural Water Supply Corporation 63354 RN102687134 Public Water Supply 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	11-Jan-2021	10-Mar-2025	4.16	\$312	n/a	\$312
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide a production capacity of at least 0.32 gpm per connection, calculated from the date of the investigation initially documenting the violation 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	\$1,500	TOTAL	\$312
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Compliance History Report

Compliance History Report for CN600698013, RN102687134, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600698013, Trinity Rural Water Supply Corporation
Classification: SATISFACTORY
Rating: 1.29

Regulated Entity: RN102687134, TRINITY RURAL WSC 3
Classification: NOT APPLICABLE
Rating: N/A

Complexity Points: N/A
Repeat Violator: N/A

CH Group: 14 - Other

Location: 4188 FARM-TO-MARKET 355 NEAR GROVETON, TRINITY COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2280029

Compliance History Period: September 01, 2018 to August 31, 2023
Rating Year: 2023
Rating Date: 09/01/2023

Date Compliance History Report Prepared: February 29, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 28, 2019 to February 28, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Miles Wehner
Phone: (512) 239-2813

Site and Owner/Operator History:

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

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

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

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

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.

N/A

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
TRINITY RURAL WATER SUPPLY
CORPORATION
RN102687134

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

AGREED ORDER DOCKET NO. 2022-1583-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply located at 4188 Farm-to-Market 355 near Groveton, Trinity County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 464 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(73).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$8,300 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$6,640 of the penalty and \$1,660 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order. The deferred amount 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 of the terms or requirements contained in this Order, the Executive Director may demand payment of all or part of the deferred penalty amount.
5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or

required in this action, are waived in the interest of a more timely resolution of the matter.

6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.

II. ALLEGATIONS

During a record review for the Facility conducted on September 21, 2022, an investigator documented that the Respondent:

1. Failed to plug an abandoned public water supply well with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u). Specifically, Well No. 2 has been out of service since September 2016 and has not been plugged.
2. Failed to ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(6). Specifically, the West standpipe had holes in the roof.
3. Failed to ensure that all clearwells, ground storage tanks, standpipes, and elevated storage tanks are painted, disinfected, and maintained in strict accordance with current American Water Works Association ("AWWA") standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8). Specifically, the West standpipe had a significant amount of mildew and rust.
4. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(i)(II). Specifically, the records of the amount of each chemical used each day were not maintained on-site for review.
5. Failed to ensure that the electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN. CODE § 290.46(v). Specifically, the electrical wiring was not properly installed in the conduit near the caustic container and near the floor vent in the chlorine room.
6. Failed to comply with the minimum production capacity, in violation 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, in a letter dated September 22, 2016, the Facility was granted an alternative capacity requirement of 0.32 gallons per minute ("gpm") per connection. The Facility had 464 connections

requiring 148.48 gpm. However, only 100 gpm of production capacity was provided, indicating a 33% deficiency.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Trinity Rural Water Supply Corporation, Docket No. 2022-1583-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 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including but not limited to the amount of each chemical used each day, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Secure the electrical wiring in compliance with a local or national code for the conduit near the caustic container and near the floor vent in the chlorine room, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i and 2.a. ii.
 - c. Within 60 days after the effective date of this Order, ensure that the Facility's West standpipe is painted, disinfected, and maintained in strict accordance with current AWWA standards, in accordance with 30 TEX. ADMIN. CODE § 290.43.
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.

- e. Within 90 days after the effective date of this Order:
 - i. Plug the abandoned public water supply Well No. 2 with cement in accordance with 16 TEX. ADMIN. CODE ch. 76 or submit test results proving that the well is in a non-deteriorated condition, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Ensure that clearwells and potable water storage tanks, including associated appurtenances such as valves, pipes, and fittings, are thoroughly tight against leakage, including but not limited to repairing the holes that were observed on the roof of the West standpipe, in accordance with 30 TEX. ADMIN. CODE § 290.43.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 180 days after the effective date of this Order, provide a total production capacity of at least 0.32 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.g. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

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. 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.
7. 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.
8. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/11/2024

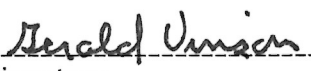
Date

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

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the OAG for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the OAG of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

4-18-24

Date

Gerald Vinson

Name (Printed or typed)
Authorized Representative of
Trinity Rural Water Supply Corporation

Board President

Title

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