

Executive Summary – Enforcement Matter – Case No. 63293
GARY WATER SUPPLY CORPORATION
RN101436004
Docket No. 2022-1646-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three repeated enforcement actions (or two orders with nuisance violations) over the prior five year period for the same violation(s).

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Gary WSC, located approximately 160 feet from the corner of Bobcat Trail and Farm-to-Market Road 999, Gary, Panola County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, Docket NO. 2024-0748-PWS-E

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 10, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,500

Total Paid to General Revenue: \$2,500

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: September 26, 2022 through October 7, 2022

Date(s) of NOE(s): October 7, 2022

Executive Summary – Enforcement Matter – Case No. 63293
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RN101436004
Docket No. 2022-1646-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, in violation of 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: Wyatt Throm, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1120; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kenny Thorson, Board President, GARY WATER SUPPLY CORPORATION, P.O. Box 160, Gary, Texas 75643-0160

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 | 13-Dec-2022 | Screening | 26-Oct-2022 | EPA Due 31-Dec-2023 |

RESPONDENT/FACILITY INFORMATION

| | | | | | |
|-----------------------------|-------------------------------|---------------------------|-------|--|--|
| Respondent | GARY WATER SUPPLY CORPORATION | | | | |
| Reg. Ent. Ref. No. | RN101436004 | | | | |
| Facility/Site Region | 5-Tyler | Major/Minor Source | Minor | | |

CASE INFORMATION

| | | | |
|--|---------------------|------------------------------|--------------------|
| Enf./Case ID No. | 63293 | No. of Violations | 1 |
| Docket No. | 2022-1646-PWS-E | Order Type | Findings |
| Media Program(s) | Public Water Supply | Government/Non-Profit | Yes |
| Multi-Media | | Enf. Coordinator | Wyatt Throm |
| | | 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 | \$2,500 |
|---|-------------------|---------|

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 |
|---------------------------|------|------------|--------------------------------|-----|

| | | | | |
|--------------|---------------------------------------|--|--|--|
| Notes | No adjustment for compliance history. | | | |
|--------------|---------------------------------------|--|--|--|

| | | | | | |
|--------------------|----|------|-------------|-------------------|-----|
| Culpability | No | 0.0% | Enhancement | Subtotal 4 | \$0 |
|--------------------|----|------|-------------|-------------------|-----|

| | | | | |
|--------------|--|--|--|--|
| Notes | The Respondent does not meet the culpability criteria. | | | |
|--------------|--|--|--|--|

| | | |
|--|-------------------|-----|
| Good Faith Effort to Comply Total Adjustments | Subtotal 5 | \$0 |
|--|-------------------|-----|

| | | | | |
|-------------------------|------|--------------|-------------------|-----|
| Economic Benefit | 0.0% | Enhancement* | Subtotal 6 | \$0 |
|-------------------------|------|--------------|-------------------|-----|

| | | |
|------------------------------|---------|-----------------------------------|
| Total EB Amounts | \$1,069 | *Capped at the Total EB \$ Amount |
| Estimated Cost of Compliance | \$5,000 | |

| | | |
|-----------------------------|-----------------------|---------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$2,500 |
|-----------------------------|-----------------------|---------|

| | | | |
|---|------|------------|-----|
| OTHER FACTORS AS JUSTICE MAY REQUIRE | 0.0% | Adjustment | \$0 |
|---|------|------------|-----|

Reduces or enhances the Final Subtotal by the indicated percentage.

| | | | |
|--------------|--|-----------------------------|---------|
| Notes | | Final Penalty Amount | \$2,500 |
|--------------|--|-----------------------------|---------|

| | | |
|-----------------------------------|-------------------------------|---------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$2,500 |
|-----------------------------------|-------------------------------|---------|

| | | | | |
|-----------------|------|-----------|------------|-----|
| DEFERRAL | 0.0% | Reduction | Adjustment | \$0 |
|-----------------|------|-----------|------------|-----|

Reduces the Final Assessed Penalty by the indicated percentage.

| | |
|--------------|---|
| Notes | No deferral is recommended for Findings Orders. |
|--------------|---|

| | |
|------------------------|---------|
| PAYABLE PENALTY | \$2,500 |
|------------------------|---------|

Screening Date

26-Oct-2022

Docket No.

2022-1646-PWS-E

PCW

Respondent

GARY WATER SUPPLY CORPORATION

Case ID No.

63293

Reg. Ent. Reference No.

RN101436004

Media

Public Water Supply

Enf. Coordinator

Wyatt Throm

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)

N/A

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

26-Oct-2022

Docket No.

2022-1646-PWS-E

PCW

Respondent

GARY WATER SUPPLY CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No.

63293

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN101436004

Media

Public Water Supply

Enf. Coordinator

Wyatt Throm

Violation Number

1

Rule Cite(s)

30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.095 mg/L for the first quarter of 2022, 0.149 mg/L for the second quarter of 2022, and 0.201 mg/L for the third quarter of 2022, and at Site 2 were 0.111 mg/L for the second quarter of 2022, and 0.147 mg/L for the third quarter of 2022.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

x

Potential

Percent

25.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.

Adjustment

\$3,750

\$1,250

Violation Events

Number of Violation Events

2

272

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

x

single event

Violation Base Penalty

\$2,500

Two annual events are recommended (one event per site).

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$2,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$1,069

Violation Final Penalty Total

\$2,500

This violation Final Assessed Penalty (adjusted for limits)

\$2,500

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. GARY WATER SUPPLY CORPORATION 63293 RN101436004 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 |
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|-------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|--|-------------|-------------|------|------|---------|---------|
| Equipment | | | | 0.00 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.00 | \$0 | \$0 | \$0 |
| Other (as needed) | \$5,000 | 31-Mar-2022 | 19-Apr-2025 | 3.05 | \$51 | \$1,018 | \$1,069 |
| Engineering/Construction | | | | 0.00 | \$0 | \$0 | \$0 |
| Land | | | | 0.00 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.00 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.00 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.00 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.00 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.00 | \$0 | n/a | \$0 |
| Notes for DELAYED costs | The Other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance. | | | | | | |

Avoided Costs

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

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

| | | | |
|----------------------------|---------|-------|---------|
| Approx. Cost of Compliance | \$5,000 | TOTAL | \$1,069 |
|----------------------------|---------|-------|---------|



Compliance History Report

Compliance History Report for CN600636625, RN101436004, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator: CN600636625, GARY WATER SUPPLY CORPORATION
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101436004, GARY WSC
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: APPROXIMATELY 160 FEET FROM THE CORNER OF BOBCAT TRAIL AND FARM-TO-MARKET ROAD 999 IN GARY, PANOLA COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1830008

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

Date Compliance History Report Prepared: January 18, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: January 18, 2019 to January 18, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Wyatt Throm **Phone:** (512) 239-1120

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.):

| | | |
|--------|----------------|-----------|
| Item 1 | April 22, 2019 | (1554883) |
| Item 2 | March 31, 2021 | (1706355) |

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

Component Appendices

Appendix A

All NOV's Issued During Component Period 1/18/2019 and 1/18/2024

| | | |
|---|--|--------------------------|
| 1 | Date: 11/20/2020 (1686140) | |
| | Self Report? NO | Classification: Moderate |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(ii) | |
| | Description: Failure to meet this Agency's "Minimum Water System Capacity Requirements" or an alternative capacity requirement. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(IV) | |
| | Description: Incompatible chemicals shall not be stored within the same containment structure. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 288, SubChapter B 288.20(c) | |
| | Description: Failure to review and update, as appropriate, the drought contingency plan, at least every five years, based on new or updated information, such as the adoption or revision of the regional water plan. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter F 290.121 | |
| | Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan. The regulated entity has the system as a free chlorine system when the system uses LAS for treatment. The system needs to change to a total system. Also, the microbiological sites need to be updated within the monitoring plan. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.46(f)(2) | |
| | Description: Failure to have the following records available during the investigation: a. Calibration records for the flow meters (need to be conducted every three years); b. records of backflow prevention devices (needs to be tested annually); c. records of monitoring results for free and total chlorine, monochloramine, ammonia, nitrite and nitrate; d. copies of the Customer Service Inspection reports (make sure they conform to the new lead requirements). | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.46(i) | |
| | Description: Failure to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted. The regulated entity needs to update the Customer Service Agreement to reflect the new lead percentage requirements. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.42(j) | |
| | Description: Failure to have certification that the chemicals used for treatment conform to ANSI/NSF Standards. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.42(l) | |
| | Description: Failure to have an up-to-date plant operation manual. The regulated entity needs to update the pressure tank sizes within the manual. | |
| | Self Report? NO | Classification: Minor |
| | Citation: | |
| | 30 TAC Chapter 290, SubChapter D 290.46(n)(2) | |
| | Description: Failure to have the following record available for review: a. an accurate and up-to-date map of the distribution system (the map must have valves and mains). | |
| | Self Report? NO | Classification: Moderate |

| | | | | | | | |
|----|--------------|---|-----------|--------------|----|-----------------|----------|
| 2 | Date: | 03/02/2022 | (1847515) | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | | | | | |
| | Description: | TTHM LRAA MCL 1Q2022 – During the 1st quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.095 mg/L at 2556 FM 10, Carthage (DBP2-01). ETT Point Value = 5 | | | | | |
| 3 | Date: | 06/14/2022 | (1847515) | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | | | | | |
| | Description: | TTHM LRAA MCL 2Q2022 – During the 2nd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.149 mg/L at 2556 FM 10, Carthage (DBP2-01); and with a LRAA of 0.111 mg/L at 6526 FM 1970, Gary (DBP2-02). ETT Point Value = 5 | | | | | |
| 4* | Date: | 09/22/2022 | (1847515) | Self Report? | NO | Classification: | Moderate |
| | Citation: | 30 TAC Chapter 290, SubChapter F 290.115(f)(1) | | | | | |
| | Description: | TTHM LRAA MCL 3Q2022 – During the 3rd quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.201 mg/L at 2556 FM 10, Carthage (DBP2-01); and with a LRAA of 0.147 mg/L at 6526 FM 1970, Gary (DBP2-02). ETT Point Value = 5 | | | | | |

Appendix B
All Investigations Conducted During Component Period January 18, 2019 and January 18, 2024

| | | |
|---------|----------------------|-----------|
| Item 1* | April 22, 2019** | (1554883) |
| Item 2 | April 16, 2020** | (1644222) |
| Item 3 | November 20, 2020** | (1686140) |
| Item 4* | March 31, 2021** | (1706355) |
| Item 5 | September 23, 2021** | (1761916) |
| Item 6 | October 04, 2022** | (1847515) |
| Item 7 | October 07, 2022** | (1847794) |

**Investigation applicable for the Compliance History Rating period between 09/01/2018 and 08/31/2023.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
GARY WATER SUPPLY CORPORATION
RN101436004

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

AGREED ORDER DOCKET NO. 2022-1646-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding GARY WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it 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 approximately 160 feet from the corner of Bobcat Trail and Farm-to-Market Road 999 in Gary, Panola County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 347 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. During a record review for the Facility conducted on September 26, 2022 through October 7, 2022, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at site 1 were 0.095 milligrams per liter ("mg/L") for the first quarter of 2022, 0.149 mg/L for the second quarter of 2022, and 0.201 mg/L for the third quarter of 2022, and at Site 2 were 0.111 mg/L for the second quarter of 2022, and 0.147 mg/L for the third quarter of 2022.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 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 \$2,500 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 \$2,500 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: GARY WATER SUPPLY CORPORATION, Docket No. 2022-1646-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:

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

The certification shall be submitted to:

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

with a copy to:

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

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.

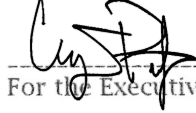
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



5/28/2024

For the Executive Director

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

4-12-2024

Date

Kenny Thurson

Name (Printed or typed)

Board President

Title

Authorized Representative of

GARY WATER SUPPLY CORPORATION

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

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