

Executive Summary – Enforcement Matter – Case No. 63554
CRYSTAL FARMS WATER SUPPLY CORPORATION
RN101437770
Docket No. 2023-0183-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:

Crystal Farms WSC, located approximately 275 feet west of the intersection of State Highway 149 North and Private Road 2901D, Tatum, Rusk County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: May 19, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$1,462

Total Paid to General Revenue: \$1,462

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: January 9, 2023 through January 20, 2023 and February 14, 2023

Date(s) of NOE(s): January 20, 2023

Executive Summary – Enforcement Matter – Case No. 63554
CRYSTAL FARMS WATER SUPPLY CORPORATION
RN101437770
Docket No. 2023-0183-PWS-E

Violation Information

1. Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92010012 for Fiscal Year 2023 [30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 30 days, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92010012;
- b. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- c. Within 380 days, submit written certification to demonstrate compliance with b.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ilia Perez-Ramirez, Enforcement Division, Enforcement Team 4, MC R-12, (713) 767-3743; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jesse Inman, President, CRYSTAL FARMS WATER SUPPLY CORPORATION, P.O. Box 1089, Tatum, Texas 75691
Ron Martin, Operator, CRYSTAL FARMS WATER SUPPLY CORPORATION, P.O. Box 1089, Tatum, Texas 75691

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	23-Jan-2023			
	PCW	24-Jan-2023	Screening	27-Jan-2023	EPA Due 31-Mar-2023

RESPONDENT/FACILITY INFORMATION					
Respondent	CRYSTAL FARMS WATER SUPPLY CORPORATION				
Reg. Ent. Ref. No.	RN101437770				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	63554	No. of Violations	2		
Docket No.	2023-0183-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Shawn Davis		
		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	\$1,250
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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	17.0%	Adjustment	Subtotals 2, 3, & 7	\$212
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Notes	Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations.			
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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	\$383	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,462
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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	\$1,462
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,462
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$1,462
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Screening Date

27-Jan-2023

Docket No.

2023-0183-PWS-E

PCW

Respondent

CRYSTAL FARMS WATER SUPPLY CORPORATION

Case ID No.

63554

Reg. Ent. Reference No.

RN101437770

Media

Public Water Supply

Enf. Coordinator

Shawn Davis

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>)	3	15%	
	Other written NOVs	1	2%	
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)			17%	
>> 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	Enhancement for three NOVs with the same/similar violations and one NOV with dissimilar violations.			
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			17%	
>> Final Compliance History Adjustment				
Final Adjustment Percentage *capped at 100%			17%	

Screening Date

27-Jan-2023

Docket No.

2023-0183-PWS-E

PCW

Respondent

CRYSTAL FARMS WATER SUPPLY CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No.

63554

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN101437770

Media

Public Water Supply

Enf. Coordinator

Shawn Davis

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 running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.087 mg/L for the second quarter of 2022, 0.126 mg/L for the third quarter of 2022, and 0.112 mg/L for the fourth 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

1

274

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

X

single event

Violation Base Penalty

\$1,250

One annual event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

X

Notes

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

Violation Subtotal

\$1,250

Economic Benefit (EB) for this violation

Estimated EB Amount

\$383

Statutory Limit Test

Violation Final Penalty Total

\$1,463

This violation Final Assessed Penalty (adjusted for limits)

\$1,463

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. CRYSTAL FARMS WATER SUPPLY CORPORATION 63554 RN101437770 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)	\$5,000	30-Jun-2022	4-Aug-2023	1.10	\$18	\$365	\$383
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 cost 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	\$383
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Screening Date 27-Jan-2023		Docket No. 2023-0183-PWS-E		PCW	
Respondent CRYSTAL FARMS WATER SUPPLY CORPORATION		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 63554		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101437770					
Media Public Water Supply					
Enf. Coordinator Shawn Davis					
Violation Number		<input type="text" value="2"/>			
Rule Cite(s)		<input type="text" value="30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702"/>			
Violation Description		<input type="text" value="Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92010012 for Fiscal Year 2023."/>			
		Base Penalty		<input type="text" value="\$5,000"/>	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text"/>				
Adjustment					<input type="text" value="\$5,000"/>
					<input type="text" value="\$0"/>
Violation Events					
Number of Violation Events		<input type="text"/>	Number of violation days		<input type="text"/>
	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$0"/>		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
<input type="text" value="All penalties and fees will be determined by the Financial Administration Division at the next billing cycle."/>					
Good Faith Efforts to Comply		0.0%		Reduction	<input type="text" value="\$0"/>
		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	<input checked="" type="checkbox"/>			
	Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
Violation Subtotal					<input type="text" value="\$0"/>
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$0"/>	Violation Final Penalty Total		<input type="text" value="\$0"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$0"/>

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. CRYSTAL FARMS WATER SUPPLY CORPORATION 63554 RN101437770 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)				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)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

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	N/A						

Approx. Cost of Compliance	\$0	TOTAL	\$0
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Compliance History Report

Compliance History Report for CN600640809, RN101437770, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600640809, CRYSTAL FARMS WATER SUPPLY CORPORATION	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN101437770, CRYSTAL FARMS WSC	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	LOCATED APPROXIMATELY 275 FEET WEST OF THE INTERSECTION OF STATE HIGHWAY 149 NORTH AND PRIVATE ROAD 2901D NEAR TATUM, RUSK COUNTY, TEXAS				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION 2010012				

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	January 23, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 23, 2018 to January 23, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Shawn Davis	Phone:	(254)522-1907		

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 2 March 31, 2021 (1706336)

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: | 08/04/2022 | (1868689) | | |
| | 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 0.087 mg/L at 13863 CR 2214 N. Tatum (DBP2-01). ETT Point Value = 5 | | | |
| 2 | Date: | 08/19/2022 | (1838646) | | |
| | Self Report? | NO | | Classification: | Moderate |

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
 Description: Failure to notify the executive director prior to making any significant change to the system's pressure maintenance.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(v)
 Description: Failure to provide emergency power on a system that serves more than 250 connections.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(7)(C)(i)
 Description: Failure to provide a sample tap before the chemical injection point.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)
 Description: Failure to effectively monitor the source water (raw water) from Well 1 and Well 2.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)(i)
 Description: Failure to monitor free ammonia and monochloramine weekly at all entry points to the distribution system.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)
 Description: Failure to monitor monochloramine and free ammonia weekly within the distribution system.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)
 Description: Failure to have the disinfectant residual monitoring results from the distribution system available for review.

3 Date: 10/12/2022 (1868689)
 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 0.126 mg/L at 13863 CR 2214 N. Tatum (DBP2-01). ETT Point Value = 5

4 Date: 12/22/2022 (1868689)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
 Description: TTHM LRAA MCL 4Q2022 – During the 4th quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.112 mg/L at 13863 CR 2214 N. Tatum (DBP2-01). ETT Point Value = 5

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
CRYSTAL FARMS WATER SUPPLY
CORPORATION
RN101437770

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

AGREED ORDER DOCKET NO. 2023-0183-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding CRYSTAL FARMS WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located approximately 275 feet west of the intersection of State Highway 149 North and Private Road 2901D near Tatum, Rusk County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 440 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review for the Facility conducted on January 19, 2023 through January 20, 2023, an investigator documented that the locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.087 milligrams per liter ("mg/L") for the second quarter of 2022, 0.126 mg/L for the third quarter of 2022, and 0.112 mg/L for the fourth quarter of 2022.
3. During a record review for the Facility conducted on February 14, 2023, an investigator documented that the Respondent did not pay annual Public Health Service fees and/or

any associated late fees for TCEQ Financial Administration Account No. 92010012 for Fiscal Year 2023.

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, TEX. WATER CODE ch. 5, 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 running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3, the Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 92010012 for Fiscal Year 2023, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(6) and TEX. WATER CODE § 5.702.
4. 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.
5. An administrative penalty in the amount of \$1,462 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$1,462 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. 5 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: CRYSTAL FARMS WATER SUPPLY CORPORATION, Docket No. 2023-0183-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, submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 92010012. The payment shall be sent with the notation "CRYSTAL FARMS WATER SUPPLY CORPORATION, Financial Administration Account No. 92010012" to the address listed in Ordering Provision No. 1;
- b. 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; and
- c. 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.b. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent

shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

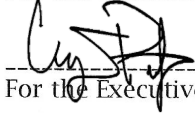
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
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



7/25/2023

For the Executive Director

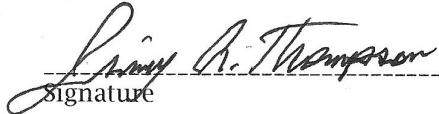
Date

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

6-30-2023
Date

Jimmy A. Thompson
Name (Printed or typed)

President - Crystal Farms Water Supply
Title

Authorized Representative of
CRYSTAL FARMS 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.