

Executive Summary – Enforcement Matter – Case No. 63789
Trinity Rural Water Supply Corporation
RN102686755
Docket No. 2023-0399-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:

Trinity Rural WSC 2, 3841 Farm-to-Market Road 356 near Trinity, Trinity 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: July 14, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$5,750

Amount Deferred for Naturally Occurring Inorganic Contaminants: \$5,750

Total Paid to General Revenue: \$0

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: March 6, 2023 through March 17, 2023

Date(s) of NOE(s): March 17, 2023

Executive Summary – Enforcement Matter – Case No. 63789
Trinity Rural Water Supply Corporation
RN102686755
Docket No. 2023-0399-PWS-E

Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days;
- b. Within 195 days, submit written certification to demonstrate compliance with a.;
- c. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for TTHM;
- d. Within 1,095 days, return to compliance with the MCL for TTHM based on a locational running annual average; and
- e. Within 1,110 days, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ilia Perez-Ramirez, Enforcement Division, Enforcement Team 5, MC R-12, (713) 767-3743; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Gerald Vinson, President, Trinity Rural Water Supply Corporation, P.O. Box 709, Trinity, Texas 75862-0709

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	20-Mar-2023	Screening	22-Mar-2023	EPA Due	30-Jun-2023
	PCW	23-Mar-2023				

RESPONDENT/FACILITY INFORMATION	
Respondent	Trinity Rural Water Supply Corporation
Reg. Ent. Ref. No.	RN102686755
Facility/Site Region	10-Beaumont
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	63789	No. of Violations	1
Docket No.	2023-0399-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ilia Perez-Ramirez
		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	\$5,000
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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	15.0%	Adjustment	Subtotals 2, 3, & 7	\$750
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Notes	Enhancement for three NOV's with the same/similar 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	\$11,108	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,750
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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	
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Final Penalty Amount	\$5,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,750
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DEFERRAL	100.0%	Reduction	Adjustment	-\$5,750
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	The Executive Director recommends a conditional deferral for disinfection byproducts.
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PAYABLE PENALTY	\$0
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Screening Date 22-Mar-2023

Docket No. 2023-0399-PWS-E

PCW

Respondent Trinity Rural Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 63789

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN102686755

Media Public Water Supply

Enf. Coordinator Iliia Perez-Ramirez

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	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) 15%

>> 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

Enhancement for three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 22-Mar-2023 **Docket No.** 2023-0399-PWS-E **PCW**
Respondent Trinity Rural Water Supply Corporation *Policy Revision 5 (January 28, 2021)*
Case ID No. 63789 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN102686755
Media Public Water Supply
Enf. Coordinator Iliia Perez-Ramirez

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="50.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input checked="" type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

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="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Trinity Rural Water Supply Corporation
Case ID No. 63789
Reg. Ent. Reference No. RN102686755
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$40,000	30-Sep-2022	17-Sep-2026	3.97	\$529	\$10,579	\$11,108
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

\$40,000

TOTAL

\$11,108



Compliance History Report

Compliance History Report for CN600698013, RN102686755, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

Customer, Respondent, or Owner/Operator:	CN600698013, Trinity Rural Water Supply Corporation	Classification:	SATISFACTORY	Rating:	0.71
Regulated Entity:	RN102686755, TRINITY RURAL WSC 2	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	3841 FARM-TO-MARKET ROAD 356 NEAR TRINITY, TRINITY COUNTY, TEXAS				
TCEQ Region:	REGION 10 - BEAUMONT				
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2280028				

Compliance History Period:	September 01, 2017 to August 31, 2022	Rating Year:	2022	Rating Date:	09/01/2022
Date Compliance History Report Prepared:	March 22, 2023				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 22, 2018 to March 22, 2023				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Ilia Perez-Ramirez			Phone:	(713) 767-3743

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.):
N/A

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.

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|---|---|-----------------|--------------------------|
| 1 | Date: 09/02/2022 (1886237) | 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 0.105 mg/L 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.113 mg/L at 313 FM 1893, Trinity (DBP2-02). ETT Point Value = 5 | | |
| 2 | Date: 12/15/2022 (1886237) | | |

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 0.092 mg/L 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.102 mg/L at 313 FM 1893, Trinity (DBP2-02). ETT Point Value = 5

3 Date: 03/03/2023 (1886237)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 1Q2023 – During the 1st quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.089 mg/L at 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.098 mg/L at 313 FM 1893, Trinity (DBP2-02). 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

Component Appendices

Appendix A

All NOV's Issued During Component Period 3/22/2018 and 3/22/2023

- 1 Date: 12/06/2018 (1523337)
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(p)(2)
Failure by Trinity Rural WSC 2 to provide the executive director with a written list on an annual basis of all the operators that the public water system employs.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)
Failure by Trinity Rural WSC 2 to have a complete monitoring plan.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Trinity Rural WSC 2 to maintain service pump in watertight condition.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(v)
Failure by Trinity Rural WSC 2 to have all electrical wiring securely installed in compliance with a local or national electrical code.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter F 290.121(a)
Failure by Trinity Rural WSC 2 to maintain a copy of the monitoring plan at the plant.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Trinity Rural WSC 2 to maintain plant equipment in good working condition and appearance.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.46(m)
Failure by Trinity Rural WSC 2 to maintain an intruder resistant fence.
- 2 Date: 03/12/2021 (1701478)
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)
Failure by Trinity Rural WSC 2 to have a complete monitoring plan.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 290, SubChapter F 290.121(a)
Failure by Trinity Rural WSC 2 to maintain a copy of the monitoring plan at the plant.
- Self Report? NO Classification: Moderate
- Citation:
- Description: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
Failure by Trinity Rural WSC 2 to provide 0.6 gpm per connection of production capacity.
- Self Report? NO Classification: Minor
- Citation:
- Description: 30 TAC Chapter 291, SubChapter F 291.93(3)
Failure by Trinity Rural WSC 2 to submit a detailed planning report to the Beaumont Regional Office.
- 3* Date: 01/02/2022 (1860704)
- Self Report? NO Classification: Minor
- Citation:

Description: 30 TAC Chapter 290, SubChapter F 290.121(b)
30 TAC Chapter 290, SubChapter F 290.121(b)(1)(A)
Failure by Trinity Rural WSC 2 to maintain a complete and up-to-date monitoring plan.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter F 290.110(c)(1)(B)(i)
30 TAC Chapter 290, SubChapter F 290.110(c)(5)(D)(i)

Description: Failure by the water system to collect monochloramine and free available ammonia residuals from the entry point and distribution system on a weekly basis.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 335, SubChapter A 335.4

Description: Failure by Trinity Rural WSC 2 to prevent the discharge of industrial solid waste or municipal hazardous waste into or adjacent to the waters in the state without specific authorization for such a discharge from the Texas Commission on Environmental Quality.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)

Description: Failure by Trinity Rural WSC 2 to provide containment facilities for all chemical containers that is large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.38(41)

30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failure by Trinity Rural WSC 2 to maintain all plant equipment in a good working condition.

Self Report? NO Classification: Minor

Citation:

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

Description: Failure by Trinity Rural WSC 2 to submit operational records upon request.

4 Date: 09/02/2022 (1886237)

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 0.105 mg/L 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.113 mg/L at 313 FM 1893, Trinity (DBP2-02). ETT Point Value = 5

5 Date: 12/15/2022 (1886237)

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 0.092 mg/L 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.102 mg/L at 313 FM 1893, Trinity (DBP2-02). ETT Point Value = 5

6 Date: 03/03/2023 (1886237)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: TTHM LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.089 mg/L at 2394 N State Hwy 19, Trinity (DBP2-01); and with a LRAA of 0.098 mg/L at 313 FM 1893, Trinity (DBP2-02). ETT Point Value = 5

* NOVs applicable for the Compliance History rating period 9/1/2017 to 8/31/2022

Compliance History Report for CN600698013, RN102686755, Rating Year 2022 which includes Compliance History (CH) components from March 22, 2018, through March 22, 2023.

Appendix B

All Investigations Conducted During Component Period March 22, 2018 and March 22, 2023

Item 1	December 03, 2018**	(1523337)
Item 2	April 09, 2019**	(1553392)
Item 3	March 11, 2021**	(1701478)
Item 4	September 08, 2021**	(1760434)
Item 5	September 27, 2022	(1846266)
Item 6	December 22, 2022	(1860704)
Item 7	March 15, 2023	(1886237)
Item 8	March 17, 2023	(1886476)

For

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2017 and 08/31/2022.

Informational
Purposes
Only

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
TRINITY RURAL WATER SUPPLY
CORPORATION
RN102686755

§
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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-0399-PWS-E

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 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 at 3841 Farm-To-Market Road 356 near Trinity, Trinity County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 140 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 March 6, 2023 through March 17, 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 0.105 milligrams per liter ("mg/L") for the third quarter of 2022, 0.092 mg/L for the fourth quarter of 2022, and 0.089 mg/L for the first quarter of 2023 and at Site 2 were 0.113 mg/L for the third quarter of 2022, 0.102 mg/L for the fourth quarter of 2022, and 0.098 mg/L for the first quarter of 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 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 \$5,750 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 amount of \$5,750 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and 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 requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred 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: Trinity Rural Water Supply Corporation, Docket No. 2023-0399-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 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective

actions to achieve compliance within 1,095 days after the effective date of this order with the MCL for TTHM to the addresses listed in Ordering Provision No. 2.e.

- b. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.e below. These reports shall include information regarding actions taken to provide water which meets the MCL for TTHM.
- d. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for TTHM based on a locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- e. Within 1,110 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.d. 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 Function Section Manager
Water Supply Division, MC155
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



For the Executive Director

7/7/2023

Date

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

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

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

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



Signature

4-12-23

Date

Gerald Vinson

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

TRWSC Board President

Title

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