

Executive Summary – Enforcement Matter – Case No. 64132
MULTI-COUNTY WATER SUPPLY CORPORATION
RN101428746
Docket No. 2023-0784-PWS-E

Order Type:

1660 Agreed Order

Findings Order Justification:

N/A

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Multi-County WSC, 4095 West U.S. Highway 84, Gatesville, Coryell 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: January 24, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$9,400

Amount Deferred for Expedited Settlement: \$1,880

Total Paid to General Revenue: \$240

Total Due to General Revenue: \$7,280

Payment Plan: 35 payments of \$208 each

Compliance History Classifications:

Person/CN - Unclassified

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: May 29, 2023 through May 30, 2023

Date(s) of NOE(s): March 30, 2023

Executive Summary – Enforcement Matter – Case No. 64132
MULTI-COUNTY WATER SUPPLY CORPORATION
RN101428746
Docket No. 2023-0784-PWS-E

Violation Information

1. Failed to notify the Executive Director and receive approval prior to making any significant change or addition where the change in existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance. Specifically, the two 115-gallon per minute ("gpm") in-line booster pumps were replaced with two 155 gpm in-line booster pumps at Plant 4. Additionally, a 335 gpm in-line booster pump was replaced with a 420 gpm in-line booster pump at Plant 2 [30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351].
2. Failed to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane. Specifically, the Hamilton Pressure Plane has 592 connections and is required to provide a minimum combined service pump capacity of 591 gpm, the Pearl Pressure Plane has 399 connections and is required to provide a minimum combined service pump capacity of 363 gpm, the Izoro Pressure Plan has 82 connections and is required to provide a minimum combined service pump capacity of 150 gpm, the King Pressure Plane has 360 connections and is required to provide a minimum combined service pump capacity of 216 gpm. However, the Facility provided no service pump capacity in any of the pressure planes, indicating a 100% deficiency in each [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

On November 29, 2023, the Respondent was granted exceptions by the TCEQ Technical Review and Oversight Team for the Hamilton, Pearl, Izoro, and King Pressure Plane service pumps to take suction from the distribution system in lieu of storage tanks.

Technical Requirements:

The Order will require the Respondent to:

- a. Within 180 days, submit accurate, up-to-date, and detailed as-built plans, specification, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the in-line booster pumps at Plant 4 and Plant 2; and
- b. Within 195 days, submit written certification to demonstrate compliance with a.

Executive Summary – Enforcement Matter – Case No. 64132
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Docket No. 2023-0784-PWS-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Ashley Lemke, Enforcement Division, Enforcement Team 4, MC R-12, (512) 239-1118; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Kyle Matthews, Board President, MULTI-COUNTY WATER SUPPLY CORPORATION, 10260 Farm-to-Market 116, Gatesville, Texas 76528

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	5-Jun-2023	Screening	8-Jun-2023	EPA Due	
	PCW	3-Dec-2024				

RESPONDENT/FACILITY INFORMATION

Respondent	MULTI-COUNTY WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN101428746
Facility/Site Region	9-Waco
Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	64132	No. of Violations	2
Docket No.	2023-0784-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Ashley Lemke
		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	\$8,000
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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	25.0%	Adjustment	Subtotals 2, 3, & 7	\$2,000
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Notes	Enhancement for one agreed order without a denial of liability.
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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	-\$600
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,050
Estimated Cost of Compliance	\$11,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,400
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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	\$9,400
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,400
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DEFERRAL	20.0%	Reduction	Adjustment	-\$1,880
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	Deferral offered for expedited settlement.
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PAYABLE PENALTY	\$7,520
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Screening Date	8-Jun-2023	Docket No.	2023-0784-PWS-E	PCW
Respondent	MULTI-COUNTY WATER SUPPLY CORPORATION			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64132			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101428746			
Media	Public Water Supply			
Enf. Coordinator	Ashley Lemke			

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	1	25%
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) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 25%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 25%

Screening Date Respondent Case ID No. Reg. Ent. Reference No. Media Enf. Coordinator	8-Jun-2023 MULTI-COUNTY WATER SUPPLY CORPORATION 64132 RN101428746 Public Water Supply Ashley Lemke	Docket No. 2023-0784-PWS-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW																	
<table style="width: 100%;"> <tr> <td style="width: 20%;">Violation Number</td> <td style="width: 10%; text-align: center;">1</td> <td style="width: 60%;"></td> <td style="width: 10%;"></td> </tr> <tr> <td>Rule Cite(s)</td> <td colspan="3"> 30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351 </td> </tr> <tr> <td>Violation Description</td> <td colspan="3"> Failed to notify the Executive Director and receive approval prior to making any significant change or addition where the change in existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance. Specifically, the two 115-gallon per minute ("gpm") in-line booster pumps were replaced with two 155 gpm in-line booster pumps at Plant 4. Additionally, a 335 gpm in-line booster pump was replaced with a 420 gpm in-line booster pump at Plant 2. </td> </tr> </table>				Violation Number	1			Rule Cite(s)	30 Tex. Admin. Code § 290.39(j)(1)(A) and Tex. Health & Safety Code § 341.0351			Violation Description	Failed to notify the Executive Director and receive approval prior to making any significant change or addition where the change in existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance. Specifically, the two 115-gallon per minute ("gpm") in-line booster pumps were replaced with two 155 gpm in-line booster pumps at Plant 4. Additionally, a 335 gpm in-line booster pump was replaced with a 420 gpm in-line booster pump at Plant 2.							
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Base Penalty			\$5,000																	
>> Environmental, Property and Human Health Matrix																				
OR	<table style="width: 100%;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>				Harm			Release	Major	Moderate	Minor	Actual	[]	[]	[]	Potential	[]	[]	[]	Percent 0.0%
		Harm																		
	Release	Major	Moderate	Minor																
Actual	[]	[]	[]																	
Potential	[]	[]	[]																	
>> Programmatic Matrix																				
	<table style="width: 100%;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> <tr> <td></td> <td style="text-align: center;">x</td> <td style="text-align: center;">[]</td> <td style="text-align: center;">[]</td> </tr> </table>				Major	Moderate	Minor	Falsification	[]	[]	[]		x	[]	[]	Percent 20.0%				
	Major	Moderate	Minor																	
Falsification	[]	[]	[]																	
	x	[]	[]																	
Matrix Notes	100% of the rule requirements were not met.																			
Adjustment			\$4,000																	
			\$1,000																	
Violation Events																				
Number of Violation Events		2	Number of violation days																	
		10																		
	<table style="width: 100%;"> <tr><td>daily</td><td>[]</td></tr> <tr><td>weekly</td><td>[]</td></tr> <tr><td>monthly</td><td>[]</td></tr> <tr><td>quarterly</td><td>[]</td></tr> <tr><td>semiannual</td><td>[]</td></tr> <tr><td>annual</td><td>[]</td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	[]	weekly	[]	monthly	[]	quarterly	[]	semiannual	[]	annual	[]	single event	x	Violation Base Penalty \$2,000				
daily	[]																			
weekly	[]																			
monthly	[]																			
quarterly	[]																			
semiannual	[]																			
annual	[]																			
single event	x																			
Two single events are recommended (one for each unapproved component).																				
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			\$2,000																	
Economic Benefit (EB) for this violation		Statutory Limit Test																		
Estimated EB Amount		\$621	Violation Final Penalty Total \$2,500																	
This violation Final Assessed Penalty (adjusted for limits)			\$2,500																	

Economic Benefit Worksheet

Respondent MULTI-COUNTY WATER SUPPLY CORPORATION
Case ID No. 64132
Reg. Ent. Reference No. RN101428746
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)	\$3,000	22-Feb-2023	5-Feb-2026	2.96	\$30	\$591	\$621
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to notify and receive approval from the Executive Director prior to making any significant changes to the Facility's production and treatment, including but not limited to the 155 gpm in-line booster pumps at Plant 4 and 420 gpm in-line booster pump at Plant 2, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,000

TOTAL

\$621

Screening Date 8-Jun-2023 Respondent MULTI-COUNTY WATER SUPPLY CORPORATION Case ID No. 64132 Reg. Ent. Reference No. RN101428746 Media Public Water Supply Enf. Coordinator Ashley Lemke	Docket No. 2023-0784-PWS-E Policy Revision 5 (January 28, 2021) PCW Revision February 11, 2021	PCW
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Violation Number	2	Rule Cite(s)	
		30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)	
Violation Description	Failed to provide two service pumps with a minimum combined capacity of 0.6 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, the Hamilton Pressure Plane has 592 connections and is required to provide a minimum combined service pump capacity of 591 gpm, the Pearl Pressure Plane has 399 connections and is required to provide a minimum combined service pump capacity of 363 gpm, the Izoro Pressure Plan has 82 connections and is required to provide a minimum combined service pump capacity of 150 gpm, the King Pressure Plane has 360 connections and is required to provide a minimum combined service pump capacity of 216 gpm. However, the Facility provided no service pump capacity in any of the pressure planes, indicating a 100% deficiency in each.		

Base Penalty	\$5,000
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>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				
	Potential	x			
					30.0%

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes	Failure to provide adequate service pump capacity could expose persons served by the Facility to low pressure and outages allowing contaminants to enter the water which would exceed levels protective of human health.
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Adjustment	\$3,500
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Adjustment	\$1,500
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Violation Events

Number of Violation Events	4	10	Number of violation days
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daily		Violation Base Penalty
weekly		
monthly	x	
quarterly		
semiannual		
annual		
single event		

Four monthly events are recommended (one for each pressure plane), calculated from the date of the record review, May 29, 2023, to the date of screening, June 8, 2023.	
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Good Faith Efforts to Comply	10.0%	Reduction	\$600
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	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer	
Extraordinary			
Ordinary		x	
N/A			
Notes	The Respondent achieved compliance on November 29, 2023.		

Violation Subtotal	\$5,400
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Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount	\$429
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Violation Final Penalty Total	\$6,900
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This violation Final Assessed Penalty (adjusted for limits)	\$6,900
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Economic Benefit Worksheet

Respondent MULTI-COUNTY WATER SUPPLY CORPORATION
Case ID No. 64132
Reg. Ent. Reference No. RN101428746
Media Public Water Supply
Violation No. 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)	\$8,000	22-Feb-2023	29-Nov-2023	0.77	\$20	\$409	\$429
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide two or more service pumps with a minimum combined capacity of at least 0.6 gpm per connection for the Hamilton, Pearl, Izoro, and King pressure planes (\$2,000 per pressure plane x four pressure planes), calculated from the date of the investigation initially documenting the violation to the 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

\$8,000

TOTAL

\$429



Compliance History Report

Compliance History Report for CN600653356, RN101428746, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN600653356, MULTI-COUNTY WATER SUPPLY CORPORATION
Classification: UNCLASSIFIED
Rating: -----

Regulated Entity: RN101428746, MULTI-COUNTY WSC
Classification: NOT APPLICABLE
Rating: N/A

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

CH Group: 14 - Other

Location: 4095 WEST UNITED STATES HIGHWAY 84 IN GATESVILLE, CORYELL COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0500044

Compliance History Period: September 01, 2019 to August 31, 2024
Rating Year: 2024
Rating Date: 09/01/2024

Date Compliance History Report Prepared: October 30, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 30, 2019 to October 30, 2024

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Ashley Lemke
Phone: (512) 239-1118

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:

- 1 Effective Date: 11/28/2022 ADMINORDER 2022-0180-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 4Q2021 - During the 4th quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.131 mg/L at Midway Church: 1955 CR 3640, Copperas CO (DBP2-01).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 3Q2021 - During the 3rd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.115 mg/L at Midway Church: 1955 CR 3640, Copperas CO (DBP2-01).
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: TTHM LRAA MCL 2Q2021 - During the 2nd quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at Midway Church: 1955 CR 3640, Copperas CO (DBP2-01).

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 30, 2020	(1645364)
Item 2	June 30, 2021	(1737953)

E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

F. Environmental audits:

N/A

G. Type of environmental management systems (EMSs):

N/A

H. Voluntary on-site compliance assessment dates:

N/A

I. Participation in a voluntary pollution reduction program:

N/A

J. Early compliance:

N/A

Sites Outside of Texas:

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
MULTI-COUNTY WATER SUPPLY
CORPORATION
RN101428746

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

AGREED ORDER DOCKET NO. 2023-0784-PWS-E

I. JURISDICTION AND STIPULATIONS

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

1. The Respondent owns and operates a public water supply located at 4095 West United States Highway 84 in Gatesville, Coryell County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1,434 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. The Executive Director and the Respondent agree that the TCEQ has jurisdiction to enter this Order pursuant to TEX. WATER CODE § 7.002 and TEX. HEALTH & SAFETY CODE § 341.049, and that the Respondent is subject to TCEQ's jurisdiction. The TCEQ has jurisdiction in this matter pursuant to TEX. WATER CODE § 5.013 and TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
3. The occurrence of any violation is in dispute and the entry of this Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
4. An administrative penalty in the amount of \$9,400 is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent paid \$240 of the penalty and \$1,880 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 of this Order.

The remaining amount of \$7,280 of the und deferred penalty shall be paid in 35 monthly payments of \$208 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of

the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

5. The Executive Director and the Respondent agree on a settlement of the matters alleged in this enforcement action, subject to final approval in accordance with 30 TEX. ADMIN. CODE § 70.10(a). Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Order.
7. This Order represents the complete and fully integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Executive Director recognizes that on November 29, 2023, the Respondent was granted exceptions by the TCEQ Technical Review and Oversight Team for the Hamilton, Pearl, Izoro, and King Pressure Plane service pumps to take suction from the distribution system in lieu of storage tanks.

II. ALLEGATIONS

During a record review for the Facility conducted on May 29, 2023 through May 30, 2023, an investigator documented that the Respondent:

1. Failed to notify the Executive Director and receive approval prior to making any significant change or addition where the change in existing distribution system results in an increase or decrease in production, treatment, storage, or pressure maintenance, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A) and TEX. HEALTH & SAFETY CODE § 341.0351. Specifically, the two 115-gallon per minute ("gpm") in-line booster pumps were replaced with two 155 gpm in-line booster pumps at Plant 4. Additionally, a 335 gpm in-line booster pump was replaced with a 420 gpm in-line booster pump at Plant 2.
2. Failed to provide two service pumps with a minimum combined capacity of 0.6 gpm per connection at each pump station or pressure plane, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c). Specifically, the Hamilton Pressure Plane has 592 connections and is required to provide a minimum combined service pump capacity of 591 gpm, the Pearl Pressure Plane has 399 connections and is required to provide a minimum combined service pump capacity of 363 gpm, the Izoro Pressure Plan has 82 connections and is required to provide a minimum combined service pump capacity of 150 gpm, the King Pressure Plane has 360

connections and is required to provide a minimum combined service pump capacity of 216 gpm. However, the Facility provided no service pump capacity in any of the pressure planes, indicating a 100% deficiency in each.

III. DENIALS

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

IV. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Section I, Paragraph No. 4. The payment of this penalty and the Respondent's compliance with all of the requirements set forth in this Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: MULTI-COUNTY WATER SUPPLY CORPORATION, Docket No. 2023-0784-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 accurate, up-to-date, and detailed as-built plans, specification, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the in-line booster pumps at Plant 4 and Plant 2, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

Respond completely and adequately, as determined by TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- b. Within 195 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.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:

Water Section Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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 addresses listed above.
6. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate

reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date

2/24/2025


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

Name (Printed or typed)

Authorized Representative of

MULTI-COUNTY WATER SUPPLY CORPORATION



Date

Title

☐ 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.