

Executive Summary – Enforcement Matter – Case No. 64440
Cypress Valley Water Supply Corporation
RN101184745
Docket No. 2023-1031-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:

Cypress Valley WSC Plant 2, 6585 Farm-to-Market Road 1997, Marshall, Harrison 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 3, 2024

Comments Received: No

Penalty Information

Total Penalty Assessed: \$4,550

Total Paid to General Revenue: \$4,550

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: July 17, 2023 through July 28, 2023

Date(s) of NOE(s): July 28, 2023

Executive Summary – Enforcement Matter – Case No. 64440
Cypress Valley Water Supply Corporation
RN101184745
Docket No. 2023-1031-PWS-E

Violation Information

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

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

N/A

Technical Requirements:

The Order will require the Respondent to:

- a. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average; and
- b. Within 380 days, submit written certification to demonstrate compliance with a.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Margaux Ordoveza, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1128; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Patricia Binotti, President, Cypress Valley Water Supply Corporation, 565 Macedonia Road, Marshall, Texas 75670

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Aug-2023			
	PCW	10-Aug-2023	Screening	7-Aug-2023	EPA Due 30-Sep-2023

RESPONDENT/FACILITY INFORMATION

Respondent	Cypress Valley Water Supply Corporation				
Reg. Ent. Ref. No.	RN101184745				
Facility/Site Region	5-Tyler		Major/Minor Source	Minor	

CASE INFORMATION

Enf./Case ID No.	64440	No. of Violations	1
Docket No.	2023-1031-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Margaux Ordoveza
		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	\$2,500
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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	82.0%	Adjustment	Subtotals 2, 3, & 7	\$2,050
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Notes: Enhancement for two NOVs with same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

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	\$740
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,550
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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	\$4,550
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,550
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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.

PAYABLE PENALTY	\$4,550
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Screening Date7-Aug-2023

Docket No.2023-1031-PWS-E

PCW

RespondentCypress Valley Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No.64440

PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101184745

MediaPublic Water Supply

Enf. CoordinatorMargaux Ordoveza

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>)	2	10%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	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	2	50%
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)82%

>> 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 two NOVs with same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and two agreed orders without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)82%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%82%

Screening Date	7-Aug-2023	Docket No.	2023-1031-PWS-E	PCW
Respondent	Cypress Valley Water Supply Corporation			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64440			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101184745			
Media	Public Water Supply			
Enf. Coordinator	Margaux Ordoveza			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.088 mg/L for the fourth quarter of 2022, 0.093 mg/L for the first quarter of 2023, and 0.104 mg/L for the second quarter of 2023, and at Site 2 were 0.091 mg/L for the fourth quarter of 2022, 0.092 mg/L for the first quarter of 2023, and 0.102 mg/L for the second quarter of 2023.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major	Moderate	Minor
	Actual		x	
	Potential			
			Percent	25.0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0.0%
Matrix Notes	Exceeding the MCL for TTHM caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels protective of human health.			
		Adjustment	\$3,750	
			\$1,250	
Violation Events				
	Number of Violation Events	2	272	Number of violation days
	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual	x		
	single event			
	Two annual events are recommended (one event per site).			
Good Faith Efforts to Comply		0.0%	Reduction	\$0
	Extraordinary		Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
	Ordinary			
	N/A	x		
	Notes	The Respondent does not meet the good faith criteria for this violation.		
		Violation Subtotal	\$2,500	
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	\$740	Violation Final Penalty Total	\$4,550
	This violation Final Assessed Penalty (adjusted for limits)			\$4,550

Economic Benefit Worksheet

Respondent Cypress Valley Water Supply Corporation
Case ID No. 64440
Reg. Ent. Reference No. RN101184745
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)	\$5,000	31-Dec-2022	10-Feb-2025	2.12	\$35	\$705	\$740
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 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** \$740



Compliance History Report

Compliance History Report for CN600686976, RN101184745, Rating Year 2023 which includes Compliance History (CH) components from September 1, 2018, through August 31, 2023.

Customer, Respondent, or Owner/Operator:	CN600686976, Cypress Valley Water Supply Corporation	Classification:	NOT APPLICABLE	Rating:	N/A
Regulated Entity:	RN101184745, CYPRESS VALLEY WSC PLANT 2	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	6585 FARM-TO-MARKET ROAD 1997, NEAR MARSHALL, HARRISON COUNTY, TEXAS				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1020088				

Compliance History Period:	September 01, 2018 to August 31, 2023	Rating Year:	2023	Rating Date:	09/01/2023
Date Compliance History Report Prepared:	January 17, 2024				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	January 17, 2019 to January 17, 2024				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Margaux Ordoveza		Phone:	(512) 239-1128	

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: 04/06/2021 | ADMINORDER 2019-1658-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 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.106 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02). | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j) | | |
| Description: LCR LCN 2nd 6M2018- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2018 to 12/31/2018. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j) | | |
| Description: LCR LCN 1st 6M2017- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2017 to 06/30/2017. | | |
| Classification: Moderate | | |
| Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) | | |

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RT MR PN 2nd 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 07/01/2017 to 12/31/2017.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RT MR PN 1st 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2017 to 06/30/2017.

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 2Q2019 - During the 2nd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.085 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02).

- 2 Effective Date: 02/14/2023 ADMINORDER 2022-1429-UTL-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 2B TWC Chapter 13, SubChapter A 13.1394(b)(2)
- Description: Failure to submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations. As of the date of this investigation, System has not submitted EPP for approval.
- 3 Effective Date: 08/22/2023 ADMINORDER 2021-0968-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
- 30 TAC Chapter 290, SubChapter D 290.45(g)
- 5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: Failure to provide a well capacity of 0.51 gpm per connection as required by the alternate capacity requirement approved by the Executive Director.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
- 5A THSC Chapter 341, SubChapter A 341.0351
- Description: Failure to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)
- Description: Failure to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	November 15, 2019	(1610104)
Item 2	October 28, 2021	(1770179)

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: 02/24/2023 (1896247)
- 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 0.093 mg/L at 1529 Lee Island Road, Marshall, TX (DBP2-01) and LRAA of 0.092

Compliance History Report for CN600686976, RN101184745, Rating Year 2023 which includes Compliance History (CH) components from January 17, 2019, through January 17, 2024.

- 2 Date: 04/14/2023 (1896247)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
 30 TAC Chapter 290, SubChapter F 290.115(f)(5)
Description: DBP2 TTHM OEL Reporting 4Q2022 - This system failed to submit the Operational
 Evaluation Report (OEL) after exceeding the operational evaluation level for
 trihalomethanes at 1529 Lee Island Road, Marshall, TX (DBP2-01) and at 7669 FM
 1997, Marshall, TX (DBP2-02) within the required timeline. ETT Point Value = 1
- 3 Date: 07/14/2023 (1916498)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
Description: TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system violated the
 maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at 1529
 Lee Island Road, Marshall, TX (DBP2-01) and LRAA of 0.102 mg/L at 7669 FM 1997,
 Marshall, TX (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 NOVs Issued During Component Period 1/17/2019 and 1/17/2024

- 1 Date: 10/19/2017 (1609814)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 1st 6M2017- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2017 to 06/30/2017.
- 2 Date: 08/16/2018 (1609814)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR RT MR PN 1st 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2017 to 06/30/2017.
- 3 Date: 02/28/2019 (1609814)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: LCR RT MR PN 2nd 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 07/01/2017 to 12/31/2017.
- 4 Date: 06/18/2019 (1609814)
Self Report? NO Classification: Moderate
Citation:
30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 2nd 6M2018- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2018 to 12/31/2018.
- 5 Date: 09/26/2019 (1609814)
Self Report? NO 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 2Q2019 - During the 2nd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.085 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02).
- 6 Date: 10/30/2019 (1609814)

Self Report? NO 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 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.106 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02).

7 Date: 01/24/2020 (1618873)

Self Report? NO Classification: Moderate

Citation:

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

Description: Failure to maintain the minimum chlorine residual of at least 0.2 mg/L free chlorine or 0.5 mg/L total chlorine throughout the distribution system at all times.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(z)

Description: Failure to have a Nitrification Action Plan (NAP) and perform the associated monitoring.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(i)
30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(ii)
30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(v)

Description: Failure to provide equipment for monitoring chloramine effectiveness.

8 Date: 09/23/2020 (1672280)

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
30 TAC Chapter 290, SubChapter D 290.45(g)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 0.51 gpm per connection as required by the alternate capacity requirement approved by the Executive Director.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(z)

Description: Failure to have a Nitrification Action Plan (NAP) and perform the associated monitoring.

Self Report? NO Classification: Minor

Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(i)
30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(ii)
30 TAC Chapter 290, SubChapter D 290.42(e)(7)(E)(v)

Description: Failure to provide equipment for monitoring chloramine effectiveness.

Self Report? NO Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.39(j)
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Self Report? NO Classification: Moderate

Citation:

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

Description: Failure to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

9 Date: 03/01/2021 (1702703)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
30 TAC Chapter 290, SubChapter D 290.45(g)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide a well capacity of 0.51 gpm per connection as required by the alternate capacity requirement approved by the Executive Director.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

10* Date: 12/15/2022 (1896247)

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 0.088 mg/L at 1529 Lee Island Road, Marshall, TX (DBP2-01) and LRAA of 0.091 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02). ETT Point Value = 5

11* Date: 02/24/2023 (1896247)

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 0.093 mg/L at 1529 Lee Island Road, Marshall, TX (DBP2-01) and LRAA of 0.092 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02). ETT Point Value = 5

12* Date: 04/14/2023 (1896247)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)
30 TAC Chapter 290, SubChapter F 290.115(f)(5)

Description: DBP2 TTHM OEL Reporting 4Q2022 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes at 1529 Lee Island Road, Marshall, TX (DBP2-01) and at 7669 FM 1997, Marshall, TX (DBP2-02) within the required timeline. ETT Point Value = 1

13* Date: 07/14/2023 (1916498)

Self Report? NO Classification: Moderate

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

Description: TTHM LRAA MCL 2Q2023 – During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at 1529 Lee Island Road, Marshall, TX (DBP2-01) and LRAA of 0.102 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02). ETT Point Value = 5

* NOV's applicable for the Compliance History rating period 9/1/2018 to 8/31/2023

Appendix B

All Investigations Conducted During Component Period January 17, 2019 and January 17, 2024

Item 1	November 13, 2019**	(1609814)
Item 2	November 15, 2019**	(1610031)
Item 3	October 16, 2020**	(1672280)
Item 4	March 01, 2021**	(1702703)
Item 5	July 20, 2021**	(1735861)
Item 6*	October 28, 2021**	(1770179)
Item 7	September 15, 2022**	(1841802)
Item 8	April 26, 2023**	(1896247)
Item 9	July 25, 2023**	(1916498)
Item 10	July 28, 2023**	(1917295)

* No violations documented during this investigation

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CYPRESS VALLEY WATER SUPPLY
CORPORATION
RN101184745

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1031-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cypress Valley 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 6585 Farm-To-Market Road 1997, near Marshall, Harrison County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 225 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review for the Facility conducted on July 17, 2023 through July 28, 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 0.088 milligrams per liter ("mg/L") for the fourth quarter of 2022, 0.093 mg/L for the first quarter of 2023, and 0.104 mg/L for the second quarter of 2023, and at Site 2 were 0.091 mg/L for the fourth quarter of 2022, 0.092 mg/L for the first quarter of 2023, and 0.102 mg/L for the second 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 \$4,550 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 \$4,550 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: Cypress Valley Water Supply Corporation, Docket No. 2023-1031-PWS-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
 - b. Within 380 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

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.

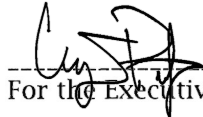
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic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



5/3/2024

For the Executive Director

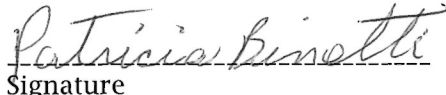
Date

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

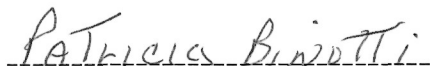
I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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


Signature

3-21-24
Date


Name (Printed or typed)
Authorized Representative of
Cypress Valley Water Supply Corporation

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.