

**Executive Summary – Enforcement Matter – Case No. 64572**  
**RIVER BEND WATER SERVICES, INC.**  
**RN102681467**  
**Docket No. 2023-1111-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:**

River Bend Water Services, located two miles south of the Intracoastal Waterway, Matagorda, Matagorda 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 30, 2025

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$5,625

**Total Paid to General Revenue:** \$165

**Total Due to General Revenue:** \$5,460

Payment Plan: 35 payments of \$156 each

**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 August 4, 2023

**Date(s) of NOE(s):** August 4, 2023

**Executive Summary – Enforcement Matter – Case No. 64572**  
**RIVER BEND WATER SERVICES, INC.**  
**RN102681467**  
**Docket No. 2023-1111-PWS-E**

***Violation Information***

1. Failed to comply with the maximum contaminant level (“MCL”) of 0.060 milligrams per liter for haloacetic acids based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
2. Failed to comply with the MCL 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:
  - i. Return to compliance with the MCL for haloacetic acids based on the locational running annual average; and
  - ii. Return to compliance with the MCL for total trihalomethanes based on the locational running annual average.
- b. Within 380 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Taner Hengst, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-1143; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Jennifer Klaiber, President and Co-Owner, RIVER BEND WATER SERVICES, INC., corner of Cypress & Wightman, Matagorda, Texas 77457

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	7-Aug-2023	<b>Screening</b>	18-Aug-2023	<b>EPA Due</b>	31-Dec-2022
	<b>PCW</b>	24-Jan-2025				

## RESPONDENT/FACILITY INFORMATION

<b>Respondent</b>	RIVER BEND WATER SERVICES, INC.				
<b>Reg. Ent. Ref. No.</b>	RN102681467				
<b>Facility/Site Region</b>	12-Houston	<b>Major/Minor Source</b>	Minor		

## CASE INFORMATION

<b>Enf./Case ID No.</b>	64572	<b>No. of Violations</b>	2
<b>Docket No.</b>	2023-1111-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Taner Hengst
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,750
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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.

<b>Compliance History</b>	50.0%	<b>Adjustment</b>	<b>Subtotals 2, 3, &amp; 7</b>	\$1,875
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<b>Notes</b>	Enhancement for two agreed orders without a denial of liability.			
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<b>Culpability</b>	No	0.0%	<b>Enhancement</b>	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.			
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<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0%	<b>Enhancement*</b>	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$1,315	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$5,000	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,625
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>				
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<b>Final Penalty Amount</b>	\$5,625
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,625
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<b>DEFERRAL</b>	0.0%	<b>Reduction</b>	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

<b>Notes</b>	No deferral is recommended for Findings Orders.			
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<b>PAYABLE PENALTY</b>	\$5,625
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<b>Screening Date</b>	18-Aug-2023	<b>Docket No.</b>	2023-1111-PWS-E	<b>PCW</b>
<b>Respondent</b>	RIVER BEND WATER SERVICES, INC.			Policy Revision 5 (January 28, 2021)
<b>Case ID No.</b>	64572			PCW Revision February 11, 2021
<b>Reg. Ent. Reference No.</b>	RN102681467			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Taner Hengst			

## 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	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)** 50%

### >> 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 agreed orders without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 50%

### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 50%

<b>Screening Date</b> 18-Aug-2023 <b>Respondent</b> RIVER BEND WATER SERVICES, INC. <b>Case ID No.</b> 64572 <b>Reg. Ent. Reference No.</b> RN102681467 <b>Media</b> Public Water Supply <b>Enf. Coordinator</b> Taner Hengst <b>Violation Number</b> 1	<b>Docket No.</b> 2023-1111-PWS-E  <b>Rule Cite(s)</b> 30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)	<b>PCW</b> <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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**Violation Description**  
 Failed to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on the locational running annual average. Specifically, the locational running annual average concentration of HAA5 for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.063 mg/L for the first quarter of 2022, 0.078 mg/L for the second quarter of 2022, 0.086 mg/L for the third quarter of 2022, 0.099 mg/L for the fourth quarter of 2022, 0.094 mg/L for the first quarter of 2023, and 0.095 mg/L for the second quarter of 2023.

**Base Penalty** \$5,000

**>> Environmental, Property and Human Health Matrix**

OR

Release	Major	Moderate	Minor
Actual		x	
Potential			

**Percent** 25.0%

**>>Programmatic Matrix**

Matrix Notes

Falsification	Major	Moderate	Minor

**Percent** 0.0%

Exceeding the MCL for HAA5 caused persons served by the Facility to be exposed to a significant amount of contaminants which do not exceed levels that are protective of human health.

**Adjustment** \$3,750

\$1,250

**Violation Events**

Number of Violation Events 2

545 Number of violation days

daily  
weekly  
monthly  
quarterly  
semiannual  
annual  
single event

x

**Violation Base Penalty** \$2,500

Two annual events are recommended.

**Good Faith Efforts to Comply**

**0.0%**  
 Before NOE/NOV    NOE/NOV to EDP RP/Settlement Offer

**Reduction** \$0

Extraordinary  
Ordinary  
N/A

x

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

**Violation Subtotal** \$2,500

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$1,315

**Statutory Limit Test**  
**Violation Final Penalty Total** \$3,750

**This violation Final Assessed Penalty (adjusted for limits)** \$3,750

# Economic Benefit Worksheet

**Respondent** RIVER BEND WATER SERVICES, INC.  
**Case ID No.** 64572  
**Reg. Ent. Reference No.** RN102681467  
**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-Mar-2022	31-Dec-2025	3.76	\$63	\$1,252	\$1,315
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 cost includes the estimated cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCLs for HAA5 and total trihalomethanes ("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	<b>TOTAL</b>	\$1,315
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<b>Screening Date</b> 18-Aug-2023	<b>Docket No.</b> 2023-1111-PWS-E	<b>PCW</b>
<b>Respondent</b> RIVER BEND WATER SERVICES, INC.	<i>Policy Revision 5 (January 28, 2021)</i>	
<b>Case ID No.</b> 64572	<i>PCW Revision February 11, 2021</i>	
<b>Reg. Ent. Reference No.</b> RN102681467		
<b>Media</b> Public Water Supply		
<b>Enf. Coordinator</b> Taner Hengst		
<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.115(f)(1) and Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	Failed to comply with the MCL of 0.080 mg/L for TTHM, based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for DBP2 at Site 1 were 0.165 mg/L for the fourth quarter of 2022, 0.182 mg/L for the first quarter of 2023, and 0.183 mg/L for the second quarter of 2023.	
<b>Base Penalty</b>		\$5,000

  

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>	<b>Release</b>	<b>Harm</b>			
		Major	Moderate	Minor	
	Actual		x		
	Potential				
				<b>Percent</b>	25.0%

  

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
				<b>Percent</b>	0.0%

  

<b>Matrix Notes</b>	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.
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<b>Adjustment</b>	\$3,750
	\$1,250

  

**Violation Events**

Number of Violation Events	1				Number of violation days	272
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	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual	x			
	single event				

  

One annual event is recommended.

  

**Good Faith Efforts to Comply**

	<b>0.0%</b>	
	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	

  

<b>Violation Subtotal</b>	\$1,250
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**Economic Benefit (EB) for this violation**

	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$0
	<b>Violation Final Penalty Total</b>
	\$1,875
<b>This violation Final Assessed Penalty (adjusted for limits)</b>	
\$1,875	

# Economic Benefit Worksheet

**Respondent** RIVER BEND WATER SERVICES, INC.  
**Case ID No.** 64572  
**Reg. Ent. Reference No.** RN102681467  
**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)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The estimated delayed cost to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCLs for HAA5 and TTHM is covered in the Economic Benefit Worksheet for Violation No. 1.

## 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

\$0

**TOTAL**

\$0





# Compliance History Report

Compliance History Report for CN600754857, RN102681467, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN600754857, RIVER BEND WATER SERVICES, INC. **Classification:** NOT APPLICABLE **Rating:** N/A

**Regulated Entity:** RN102681467, RIVER BEND WATER SERVICES **Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** TWO MILES SOUTH OF THE INTRACOASTAL WATERWAY IN MATAGORDA, MATAGORDA COUNTY, TEXAS

**TCEQ Region:** REGION 12 - HOUSTON

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
1610030

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

**Date Compliance History Report Prepared:** December 16, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** December 16, 2019 to December 16, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Taner Hengst **Phone:** (512) 239-1143

## 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: 12/18/2019 ADMINORDER 2018-1414-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 3Q2018 - During the third quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.120 mg/L at Lot 29, Matagorda (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 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at Lot 29, Matagorda (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 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.095 mg/L at Lot 29, Matagorda (DBP2-01).
- 2 Effective Date: 10/27/2021 ADMINORDER 2020-1468-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 3Q2020 During the 3rd quarter of 2020 the system violated the maximum

contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at Lot 29, Matagorda (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 2Q2020 During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.087 mg/L at Lot 29, Matagorda (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 1Q2020 During the 1st quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.089 mg/L at Lot 29, Matagorda (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	July 21, 2021	(1738857)
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**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

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

N/A

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

## **Component Appendices**

## Appendix A

**All NOV's Issued During Component Period 12/16/2019 and 12/16/2024**

1	Date:	03/19/2020	(1684973)	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 1Q2020 During the 1st quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.089 mg/L at Lot 29, Matagorda (DBP2-01).					
2	Date:	07/29/2020	(1684973)	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 2Q2020 During the 2nd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.087 mg/L at Lot 29, Matagorda (DBP2-01).					
3	Date:	10/14/2020	(1684973)	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 3Q2020 During the 3rd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at Lot 29, Matagorda (DBP2-01).					
4	Date:	03/02/2022	(1845950)	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)					
	Description:	HAA5 LRAA MCL 1Q2022 - During the 1st quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.063 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5					
5	Date:	05/17/2022	(1845950)	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.115(f)(1)					
	Description:	HAA5 LRAA MCL 2Q2022 - During the 2nd quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.078 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5					
6	Date:	07/29/2022	(1826475)	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)					
	Description:	Failed to obtain a sanitary control easement covering land within 150 of the well.					
	Self Report?	NO		Classification:	Moderate		
	Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(I)					
	Description:	Failed to maintain well sites fine graded so that the site is free from depressions, reverse grades, or areas too rough for proper ground maintenance so as to ensure surface water will drain from the well.					
	Self Report?	NO		Classification:	Moderate		
	Citation:						

Description: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)  
 Failed to accurately complete the Disinfection Level Quarterly Operating Report (DLQOR) each quarter.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.38(41)  
 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)  
 30 TAC Chapter 290, SubChapter D 290.46(m)

Description: Failed to enclose each water treatment plant and all appurtenances thereof by an intruder-resistant fence. The gates shall be locked during periods of darkness and when the plant is unattended.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a self-contained breathing apparatus (SCBA) readily accessible outside the chlorinator room and immediately available to the operator in the event of an emergency.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.42(e)(4)(C)

Description: Failed to provide adequate ventilation which includes both high level and floor level screened vents.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failed to ensure all ground storage tank roof openings are designed in accordance with current AWWA standards. Each access opening shall have a raised curbing at least four inches in height with a lockable cover that overlaps the curbing at least two inches in a downward direction. Where necessary, a gasket shall be used to make a positive seal when the hatch is closed.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failed to seal wellheads and pump bases by a gasket or sealing compound and properly vented to prevent the possibility of contaminating the well water. A well casing vent shall be provided with an opening that is covered with 16-mesh or finer corrosion-resistant screen, facing downward, elevated and located so as to minimize the drawing of contaminants into the well.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter F 290.119(a)(2)

Description: Failed to analyze samples used to determine compliance with the treatment technique requirements and maximum residual disinfectant levels (MRDLs) by a laboratory approved by the executive director.

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)  
 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(ii)

Description: Failed to retain records of inspections for all water storage and pressure maintenance facilities for at least five years.

Self Report? NO Classification: Moderate  
 Citation:

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

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

Self Report? NO Classification: Moderate  
 Citation:

30 TAC Chapter 290, SubChapter D 290.43(d)(4)

Description: Failed to provide facilities for maintaining the air-water-volume at the design water level and working pressure. A device to readily determine air-water-volume must be provided for tanks greater than 1,000 gallons capacity.

7 Date: 08/31/2022 (1845950)

Self Report? NO Classification: Moderate  
 Citation:

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

Description: HAA5 LRAA MCL 3Q2022 - During the 3rd quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.086 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5

8 Date: 12/15/2022 (1917557)  
 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 0.165 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: HAA5 LRAA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.099 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 0, grouped with tracking no. 851325

9 Date: 03/23/2023 (1917557)  
 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 0.182 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: HAA5 LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.094 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 0, grouped with tracking no. 851309

10 Date: 07/14/2023 (1917557)  
 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 0.183 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 5  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: HAA5 LRAA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.095 mg/L at Lot 29, Matagorda (DBP2-01). ETT Point Value = 0, grouped with tracking no. 851300

\* NOVs applicable for the Compliance History rating period 9/1/2019 to 8/31/2024

## Appendix B

### All Investigations Conducted During Component Period December 16, 2019 and December 16, 2024

Item 1	October 26, 2020**	(1684973)
Item 2	October 30, 2020**	(1685179)
Item 3*	July 21, 2021**	(1738857)
Item 4	July 29, 2022**	(1826475)
Item 5	September 19, 2022**	(1845950)
Item 6	August 03, 2023**	(1917557)
Item 7	August 04, 2023**	(1846289)

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2019 and 08/31/2024.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
RIVER BEND WATER SERVICES,  
INC.  
RN102681467

§  
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§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-1111-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding RIVER BEND WATER SERVICES, INC. (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 two miles south of the Intracoastal Waterway in Matagorda, Matagorda County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 50 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 August 4, 2023, an investigator documented that:
  - a. The locational running annual average concentrations of haloacetic acids ("HAA5"), for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.063 milligrams per liter ("mg/L"), for the first quarter of 2022, 0.078 mg/L for the second quarter of 2022, 0.086 mg/L for the third quarter of 2022, 0.099 mg/L for the fourth quarter of 2022, 0.094 mg/L for the first quarter of 2023, and 0.095 mg/L for the second quarter of 2023.

- b. The locational running annual average concentrations of total trihalomethanes ("TTHM") for DBP2 at Site 1 were 0.165 mg/L for the fourth quarter of 2022, 0.182 mg/L for the first quarter of 2023, and 0.183 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.a, the Respondent failed to comply with the MCL of 0.060 mg/L for HAA5, 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. As evidenced by Finding of Fact No. 2.b, the Respondent failed to comply with the 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).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of \$5,625 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 \$165 of the penalty. The remaining amount of \$5,460 shall be paid in 35 monthly payments of \$156 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.

## III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be



sent with the notation "Re: RIVER BEND WATER SERVICES, INC., Docket No. 2023-1111-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:
    - i. Return to compliance with the MCL for HAA5 based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115; and
    - ii. 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 Nos. 2.a.i and 2.a.ii. 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

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For the Commission

*Kriste Mello-Jurack*

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For the Executive Director

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Date

06/24/25

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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.

*Jennifer Klaiber*

Signature

*Jennifer Klaiber*

Name (Printed or typed)

Authorized Representative of  
RIVER BEND WATER SERVICES, INC.

*4/15/25*

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Date

*Pres. & Co-owner*

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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.