

**Executive Summary – Enforcement Matter – Case No. 64829**

**City of Granite Shoals**

**RN101214815**

**Docket No. 2023-1357-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:**

No

**Location(s) Where Violation(s) Occurred:**

City of Granite Shoals PWS, 410 Phillips Ranch Road, Granite Shoals, Burnet 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:** April 19, 2024

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$10,950

**Total Paid to General Revenue:** \$10,950

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

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:** July 31, 2023 through September 15, 2023

**Date(s) of NOE(s):** September 15, 2023

***Violation Information***

1. 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)].

**Executive Summary – Enforcement Matter – Case No. 64829**

**City of Granite Shoals**

**RN101214815**

**Docket No. 2023-1357-PWS-E**

2. Failed to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director (“ED”) [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].

3. Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

The Respondent implemented the following corrective measures:

- a. By January 3, 2024, began collecting lead and copper tap samples at the required sample sites, had the samples analyzed, and reported the results to the ED; and
- b. By February 8, 2024, returned to compliance with the maximum contaminant level for total trihalomethanes at the Facility.

**Technical Requirements:**

The Order will require the Respondent to:

- a. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period and ensure that the samples are analyzed, and the results reported to the ED; and
- b. Within 195 days, submit written certification to demonstrate compliance with a.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Hannah Martinez, Enforcement Division, Enforcement Team 4, MC 219, (512) 239-6728; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** The Honorable Kiel Arnone, Mayor, City of Granite Shoals, 2221 North Phillips Ranch Road, Granite Shoals, Texas 78654  
Joshua Hisey, Utility Director, City of Granite Shoals, 2221 North Phillips Ranch Road, Granite Shoals, Texas 78654

**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>	18-Sep-2023			
	<b>PCW</b>	25-Sep-2023	<b>Screening</b>	21-Sep-2023	<b>EPA Due</b> 30-Aug-2023

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Granite Shoals
<b>Reg. Ent. Ref. No.</b>	RN101214815
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Major

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	64829	<b>No. of Violations</b>	3
<b>Docket No.</b>	2023-1357-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Hannah Martinez
		<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>	\$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.

<b>Compliance History</b>	45.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$3,600
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Notes: Enhancement for four NOV's with same/similar violations, and one agreed order without denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$650
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$427  
 Estimated Cost of Compliance \$6,360  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$10,950
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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.

Notes:

<b>Final Penalty Amount</b>	\$10,950
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$10,950
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$10,950
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**Screening Date** 21-Sep-2023

**Docket No.** 2023-1357-PWS-E

**PCW**

**Respondent** City of Granite Shoals

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 64829

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101214815

**Media** Public Water Supply

**Enf. Coordinator** Hannah Martinez

### 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> )	4	20%
	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)** 45%

#### >> 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 four NOVs with same/similar violations, and one agreed order without denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 45%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 45%

**Screening Date** 21-Sep-2023 **Docket No.** 2023-1357-PWS-E **PCW**  
**Respondent** City of Granite Shoals *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 64829 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101214815  
**Media** Public Water Supply  
**Enf. Coordinator** Hannah Martinez

**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 at Site 1 were 0.082 mg/L for the fourth quarter of 2022, 0.104 mg/L for the first quarter of 2023, and 0.115 mg/L for the second quarter of 2023, and at Site 2 were 0.082 mg/L for the first quarter of 2023 and 0.091 mg/L for the second quarter of 2023.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual		X		50.0%
	Potential				

**>> 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** \$2,500

\$2,500

**Violation Events**

Number of Violation Events 2 272 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	X
single event	

**Violation Base Penalty** \$5,000

Two annual events are recommended (one for each Site).

**Good Faith Efforts to Comply** 10.0% Reduction \$500

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		

**Notes** The Respondent achieved compliance on February 8, 2024.

**Violation Subtotal** \$4,500

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

**Estimated EB Amount** \$387 **Violation Final Penalty Total** \$6,750

**This violation Final Assessed Penalty (adjusted for limits)** \$6,750

# Economic Benefit Worksheet

**Respondent** City of Granite Shoals  
**Case ID No.** 64829  
**Reg. Ent. Reference No.** RN101214815  
**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	8-Feb-2024	1.11	\$18	\$369	\$387
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 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 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**

\$387

**Screening Date** 21-Sep-2023  
**Respondent** City of Granite Shoals  
**Case ID No.** 64829  
**Reg. Ent. Reference No.** RN101214815  
**Media** Public Water Supply  
**Enf. Coordinator** Hannah Martinez

**Docket No.** 2023-1357-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to collect lead and copper tap samples at the required 40 sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2023 through June 30, 2023 monitoring period.

**Base Penalty**

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>

**Percent**

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Percent**

Matrix Notes

Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text" value="x"/>
N/A	<input type="text"/>	<input type="text"/>

Notes

The Respondent achieved compliance on January 3, 2024.

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Granite Shoals  
**Case ID No.** 64829  
**Reg. Ent. Reference No.** RN101214815  
**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	\$1,200	31-Jul-2023	3-Jan-2024	0.43	\$26	n/a	\$26
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 collect and have analyzed the required lead and copper samples (\$30 per sample x 40 missed samples x one monitoring period), calculated from the record review date 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 \$1,200

**TOTAL** \$26



**Screening Date** 21-Sep-2023  
**Respondent** City of Granite Shoals  
**Case ID No.** 64829  
**Reg. Ent. Reference No.** RN101214815  
**Media** Public Water Supply  
**Enf. Coordinator** Hannah Martinez

**Docket No.** 2023-1357-PWS-E

**PCW**

*Policy Revision 5 (January 28, 2021)*  
*PCW Revision February 11, 2021*

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="30.0%"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

**Good Faith Efforts to Comply**

Reduction

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

# Economic Benefit Worksheet

**Respondent** City of Granite Shoals  
**Case ID No.** 64829  
**Reg. Ent. Reference No.** RN101214815  
**Media** Public Water Supply  
**Violation No.** 3

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	\$160	30-Jun-2023	31-Mar-2025	1.75	\$14	n/a	\$14
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 collect all required water quality parameter samples [\$20 per sample x two missed samples x (one entry point + three distribution sample sites) x one monitoring period], calculated from the last day of the monitoring period of non-compliance 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 \$160

**TOTAL** \$14



# Compliance History Report

Compliance History Report for CN600657407, RN101214815, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

**Customer, Respondent, or Owner/Operator:** CN600657407, City of Granite Shoals      **Classification:** NOT APPLICABLE      **Rating:** N/A

**Regulated Entity:** RN101214815, CITY OF GRANITE SHOALS      **Classification:** NOT APPLICABLE      **Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 410 Phillips Ranch Road, Granite Shoals, Burnet County, Texas

**TCEQ Region:** REGION 11 - AUSTIN

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION**  
0270049

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

**Date Compliance History Report Prepared:** February 20, 2024

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** February 20, 2019 to February 20, 2024

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Hannah Martinez

**Phone:** (512) 239-6728

**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: 02/03/2020      ADMINORDER 2019-0205-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: HAA5 LRAA MCL 4Q2018 - During the fourth quarter of 2018 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.071 mg/L at 603 Deep Cv, Granite Shoals (DBP2-01) and with a LRAA of 0.077 mg/L at 103 E Briarway Dr, Granite Shoals (DBP2-02).

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 4Q2018 - During the fourth quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.102 mg/L at 603 Deep Cv, Granite Shoals (DBP2-01) and with a LRAA of 0.098 mg/L at 103 E Briarway Dr, Granite Shoals (DBP2-02).

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 0.081 mg/L at 603 Deep Cv, Granite Shoals (DBP2-01).

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 06/01/2016 to 09/30/2016- 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 reduced monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM DBP2 MCL PN 3Q2018 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 violation of the maximum contaminant level for trihalomethanes during the third quarter of 2018.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 3	December 09, 2019	(1612367)
Item 4	February 05, 2020	(1618562)
Item 5	February 27, 2020	(1624221)
Item 6	March 25, 2020	(1638806)
Item 7	June 26, 2020	(1657745)
Item 8	March 10, 2021	(1704165)
Item 9	April 15, 2021	(1700536)
Item 10	May 20, 2021	(1722558)

**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: 04/28/2023 (1925392)

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 0.104 mg/L at 603 Deep CV, Granite Shoals (DBP2-01) and with a LRAA of 0.082 mg/L at 103 E Briarway DR, Granite Shoals (DBP2-02). ETT Point Value = 5
- 2 Date: 07/25/2023 (1925392)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(3)

Description: LCR WQP MR 1st 6M2023 - The system failed to monitor for water quality parameters in accordance with TCEQ rules during the 1st 6M2023 monitoring period at entry point location 103 Norwood DR (EP001) and the distribution system. ETT Point Value = 1 Normal Monitoring
- 3 Date: 08/17/2023 (1925392)

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 0.115 mg/L at 603 Deep CV, Granite Shoals (DBP2-01) and with a LRAA of 0.091 mg/L at 103 E Briarway DR, Granite Shoals (DBP2-02). ETT Point Value = 5
- 4 Date: 08/25/2023 (1925392)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RT MR 1st 6M2023 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2023 to 06/30/2023 within the required timeline. ETT Point Value = 1;  
SAMPLES NOT COLLECTED

**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 2/20/2019 and 2/20/2024**

- 1           Date:    05/22/2019    (1596612)
- Self Report? NO   Classification:    Moderate
- Citation:  
30 TAC Chapter 290, SubChapter F 290.109(c)(1)  
30 TAC Chapter 290, SubChapter F 290.109(c)(3)  
30 TAC Chapter 290, SubChapter F 290.109(g)(14)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(1)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
- Description:    RTCR L1 Violation 10/19/2018 - 11/03/2018 - Failure to complete a Level 1 Assessment or provide an adequate Level 1 Assessment after it was triggered during the monitoring period 10/2018.
- Self Report? NO   Classification:    Moderate
- Citation:  
30 TAC Chapter 290, SubChapter F 290.109(c)(2)  
30 TAC Chapter 290, SubChapter F 290.109(c)(3)  
30 TAC Chapter 290, SubChapter F 290.109(g)(14)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(2)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)
- Description:    RTCR L2 Violation 12/06/2018 - 01/05/2019 - Failure to complete a Level 2 Assessment or provide an adequate Level 2 Assessment after it was triggered during the monitoring period 12/2018.
- 2           Date:    07/17/2019    (1596612)
- Self Report? NO   Classification:    Moderate
- Citation:  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
- Description:    DEC/2018 RTCR TT PN 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 failing to adequately complete a Level 2 assessment after it was triggered during the month of 12/2018.
- Self Report? NO   Classification:    Moderate
- Citation:  
30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)
- Description:    OCT/2018 RTCR TT PN 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 failing to adequately complete a Level 1 assessment after it was triggered during the month of 10/2018.
- 3           Date:    11/22/2022    (1854865)
- Self Report? NO   Classification:    Minor
- Citation:  
30 TAC Chapter 290, SubChapter D 290.46(i)
- Description:    Failure to include proper lead language in the plumbing ordinance and/or service agreement utilized for the PWS.
- Self Report? NO   Classification:    Minor
- Citation:  
30 TAC Chapter 290, SubChapter D 290.42(d)(5)
- Description:    Failure to have a flow-measuring device to measure the treated water utilized to backwash the filters.

- 4 Date: 12/15/2022 (1925392)  
 Self Report? NO Classification: Moderate  
 Citation:  
 Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 TTHM LRAA MCL 4Q2022 - During the 4th quarter of 2022 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.082 mg/L at 603 Deep CV, Granite Shoals (DBP2-01). ETT Point Value = 5
- 5 Date: 04/28/2023 (1925392)  
 Self Report? NO Classification: Moderate  
 Citation:  
 Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 TTHM LRAA MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.104 mg/L at 603 Deep CV, Granite Shoals (DBP2-01) and with a LRAA of 0.082 mg/L at 103 E Briarway DR, Granite Shoals (DBP2-02). ETT Point Value = 5
- 6 Date: 07/25/2023 (1925392)  
 Self Report? NO Classification: Moderate  
 Citation:  
 Description: 30 TAC Chapter 290, SubChapter F 290.117(e)  
 30 TAC Chapter 290, SubChapter F 290.117(h)  
 30 TAC Chapter 290, SubChapter F 290.117(i)(3)  
 LCR WQP MR 1st 6M2023 - The system failed to monitor for water quality parameters in accordance with TCEQ rules during the 1st 6M2023 monitoring period at entry point location 103 Norwood DR (EP001) and the distribution system. ETT Point Value = 1 Normal Monitoring
- 7 Date: 08/17/2023 (1925392)  
 Self Report? NO Classification: Moderate  
 Citation:  
 Description: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 TTHM LRAA MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.115 mg/L at 603 Deep CV, Granite Shoals (DBP2-01) and with a LRAA of 0.091 mg/L at 103 E Briarway DR, Granite Shoals (DBP2-02). ETT Point Value = 5
- 8 Date: 08/25/2023 (1925392)  
 Self Report? NO Classification: Moderate  
 Citation:  
 Description: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.117(h)  
 30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
 LCR RT MR 1st 6M2023 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2023 to 06/30/2023 within the required timeline. ETT Point Value = 1;  
 SAMPLES NOT COLLECTED

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

**Appendix B**  
**All Investigations Conducted During Component Period February 20, 2019 and February 20, 2024**

Item 1	September 16, 2019**	(1596612)
Item 2	September 20, 2019**	(1596882)
Item 3*	December 09, 2019**	(1612367)
Item 4*	February 05, 2020**	(1618562)
Item 5*	February 27, 2020**	(1624221)
Item 6*	March 25, 2020**	(1638806)

Item 7*	June 26, 2020**	(1657745)
Item 8*	March 10, 2021**	(1704165)
Item 9*	April 15, 2021**	(1700536)
Item 10*	May 20, 2021**	(1722558)
Item 11	November 22, 2022**	(1854865)
Item 12	September 13, 2023**	(1925392)
Item 13	September 15, 2023**	(1929594)

\* 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  
CITY OF GRANITE SHOALS  
RN101214815

§           BEFORE THE  
§           TEXAS COMMISSION ON  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2023-1357-PWS-E

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Granite Shoals (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 they have 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 410 Phillips Ranch Road in Granite Shoals, Burnet County, Texas (the "Facility"). The Facility provides water for human consumption and has approximately 2,265 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 31, 2023 through September 15, 2023, an investigator documented that:
  - a. The locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts at Site 1 were 0.082 milligrams per liter ("mg/L") for the fourth quarter of 2022, 0.104 mg/L for the first quarter of 2023, and 0.115 mg/L for the second quarter of 2023, and at Site 2 were 0.082 mg/L for the first quarter of 2023 and 0.091 mg/L for the second quarter of 2023;

- b. The Respondent failed to collect lead and copper tap samples at the required 40 sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2023 through June 30, 2023 monitoring period; and
  - c. The Respondent failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2023 through June 30, 2023 monitoring period.
3. The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:
  - a. By January 3, 2024, began collecting lead and copper tap samples at the required sample sites, had the samples analyzed, and reported the results to the Executive Director; and
  - b. By February 8, 2024, returned to compliance with the maximum contaminant level ("MCL") for TTHM at the Facility.

## 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 0.080 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. As evidenced by Finding of Fact No. 2.b, the Respondent failed to collect lead and copper tap samples at the required sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3).
5. 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.
6. An administrative penalty in the amount of \$10,950 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 \$10,950 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. 6 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: City of Granite Shoals, 2023-1357-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. Collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites on a quarterly basis throughout the first six-month monitoring period<sup>1</sup> and ensure that the samples are analyzed, and the results reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.117.
  - 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."

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<sup>1</sup>First six-month monitoring period refers to the January 1 through June 30 or July 1 through December 31 monitoring period that begins immediately after the effective date of this Order.

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, TX 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.

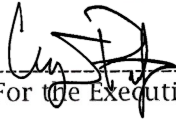
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date



5/3/2024

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For the Executive Director

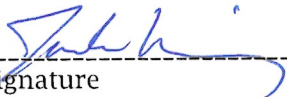
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Date

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.

  
-----  
Signature

3/4/24  
-----  
Date

JOSHUA HISEY  
-----  
Name (Printed or typed)  
Authorized Representative of  
City of Granite Shoals

UTILITY DIRECTOR  
-----  
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.