

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 64864
ABF, INC. dba Clearwater Distribution
RN101189629
Docket No. 2023-1397-PWS-E

Page 1 of 2

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions over the prior five-year period for the same violations.

Media:

PWS

Small Business:

Yes

Location Where Violation Occurred:

765 Pineway Road, Hallsville, Harrison County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: June 6, 2025

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,425

Total Paid to General Revenue: \$125

Total Due to General Revenue: \$1,300

Compliance History Classifications:

Person/CN - N/A
Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: January 28, 2021

Investigation Information

Complaint Date: N/A

Dates of Investigations: September 4, 2023 through September 15, 2023

Dates of NOV: May 26, 2023; July 19, 2023; September 1, 2023; and February 5, 2024

Date of NOE: September 15, 2023

Violation Information

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

Corrective Actions/Technical Requirements

Corrective Action Completed:

None

Technical Requirements:

1. Within 365 days return to compliance with the MCL for TTHM, based on the locational running annual average.
2. Within 380 days submit written certification and include detailed supporting documentation to demonstrate compliance with Technical Requirement No. 1.

Litigation Information

Date Petition Filed: September 18, 2024
Date of Service: September 20, 2024
Date Answer Filed: October 31, 2024
SOAH Referral Date: March 4, 2025
Settlement Date: April 23, 2025

Contact Information

TCEQ Attorneys: Marilyn Norrod, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363

TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575

TCEQ Enforcement Coordinator: Daphne Greene, Enforcement Division, (903) 535-5157

Respondent Contact: Andy French, Director, ABF, INC., 4201 Spring Valley Road Suite 1102,
Dallas, Texas 75244

Respondent's Attorney: George S. Henry, 4201 Spring Valley Road Suite 1102, Dallas, Texas 75244



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	18-Sep-2023	PCW	28-May-2024	Screening	26-Sep-2023	EPA Due	31-Dec-2023
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RESPONDENT/FACILITY INFORMATION

Respondent	ABF, INC. dba Clearwater Distribution		
Reg. Ent. Ref. No.	RN101189629		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	64864	No. of Violations	1
Docket No.	2023-1397-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Daphne Greene
		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	\$1,250
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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	14.0%	Adjustment	Subtotals 2, 3, & 7	\$175
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Notes

Enhancement for two NOVs with the same/similar violations and two NOVs with dissimilar violations.

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	\$709
Estimated Cost of Compliance	\$5,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,425
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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	\$1,425
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,425
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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	\$1,425
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Screening Date 26-Sep-2023

Docket No. 2023-1397-PWS-E

PCW

Respondent ABF, INC. dba Clearwater Distribution

Policy Revision 5 (January 28, 2021)

Case ID No. 64864

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101189629

Media Public Water Supply

Enf. Coordinator Daphne Greene

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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 14%

>> 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 the same/similar violations and two NOVs with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 14%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 14%

Screening Date 26-Sep-2023 Respondent ABF, INC. dba Clearwater Distribution Case ID No. 64864 Reg. Ent. Reference No. RN101189629 Media Public Water Supply Enf. Coordinator Daphne Greene Violation Number 1	Docket No. 2023-1397-PWS-E 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 location running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts at Site 1 were 0.085 mg/L for the first quarter of 2023, 0.126 mg/L for the second quarter of 2023, and 0.204 mg/L for the third quarter of 2023.	PCW <i>Policy Revision 5 (January 28, 2021)</i> <i>PCW Revision February 11, 2021</i>
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	Base Penalty \$5,000
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>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	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.
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	Adjustment \$3,750
\$1,250	

Violation Events

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

One annual event is recommended.	
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Good Faith Efforts to Comply

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

	Violation Subtotal \$1,250
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Economic Benefit (EB) for this violation

	Statutory Limit Test
Estimated EB Amount \$709	Violation Final Penalty Total \$1,425
This violation Final Assessed Penalty (adjusted for limits) \$1,425	

Economic Benefit Worksheet

Respondent ABF, INC. dba Clearwater Distribution
Case ID No. 64864
Reg. Ent. Reference No. RN101189629
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-2023	8-Apr-2025	2.02	\$34	\$675	\$709
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The other (as needed) cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the last day of the first quarter of noncompliance to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$709



Compliance History Report

Compliance History Report for CN604696203, RN101189629, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN604696203, ABF, INC.

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity: RN101189629, CLEARWATER DISTRIBUTION

Classification: NOT APPLICABLE

Rating: N/A

Complexity Points: N/A

Repeat Violator: N/A

CH Group: 14 - Other

Location: 765 PINEWAY ROAD NEAR HALLSVILLE, HARRISON COUNTY, TEXAS

TCEQ Region: REGION 05 - TYLER

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
1020063

Compliance History Period: September 01, 2019 to August 31, 2024

Rating Year: 2024

Rating Date: 09/01/2024

Date Compliance History Report Prepared: March 20, 2024

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 20, 2019 to March 20, 2024

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

Name: Daphne Greene

Phone: (903) 535-5157

Site and Owner/Operator History:

- | | |
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| 1) Has the site been in existence and/or operation for the full five year compliance period? | YES |
| 2) Has there been a (known) change in ownership/operator of the site during the compliance period? | NO |

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

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

- | | | | | |
|---|--------------|---|-----------|--------------------------|
| 1 | Date: | 05/26/2023 | (1925471) | |
| | 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 0.126 mg/L at 965 PR 4322, Hallsville (DBP2-01). ETT Point Value = 5 | | |

- 2 Date: 07/19/2023 (1910291)
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)
- Description: Failure to maintain the secondary constituent levels for chloride (below 300 mg/L) and total dissolved solids (below 1000 mg/L).
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
- Description: Failure to have a monitoring plan.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)
- Description: Failure to inspect ground storage tanks and the exterior of pressure tanks annually.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
- Description: Failure to have a plant operations manual.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)
- Description: Failure to have an updated Drought Contingency Plan.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
- Description: Failure to calibrate well meters every three years.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.38(41)
30 TAC Chapter 290, SubChapter D 290.46(m)
- Description: Failure to maintain intruder resistant fences at the plant and the remote well.
- Self Report? NO Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
- Description: Failure to test chlorine residual in distribution once every 7 days.
- 3 Date: 09/01/2023 (1925471)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)
- Description: TTHM LRAA MCL 3Q2023 – During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.204 mg/L at 965 PR 4322, Hallsville (DBP2-01). ETT Point Value = 5
- 4 Date: 02/05/2024 (1955248)
- Self Report? NO Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
- Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition.
- Self Report? NO Classification: Major
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)
- Description: Failure to properly issue boil water notices and rescind notices.

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

Appendix A

All NOV's Issued During Component Period 3/20/2019 and 3/20/2024

All NOV's Issued During Component Period 3/20/2019 and 3/20/2024

Page 3

		30 TAC Chapter 290, SubChapter D 290.46(m)		
	Description:	Failure to maintain adequate maintenance and housekeeping practices.		
	Self Report?	NO	Classification:	Moderate
	Citation:			
		30 TAC Chapter 290, SubChapter D 290.46(f)(2)		
		30 TAC Chapter 290, SubChapter D 290.46(f)(3)		
	Description:	Failure to have public water system's operating records accessible for review, and available at the time of the inspection.		
	Self Report?	NO	Classification:	Minor
	Citation:			
		30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
	Description:	Failure to maintain a complete monthly flushing log of all dead-ends mains.		
	Self Report?	NO	Classification:	Moderate
	Citation:			
		30 TAC Chapter 290, SubChapter D 290.46(i)		
	Description:	Failure to adopt an adequate plumbing ordinance, regulations, or service agreement.		
	Self Report?	NO	Classification:	Minor
	Citation:			
		30 TAC Chapter 290, SubChapter F 290.121(a)		
	Description:	Failure to have a monitoring plan.		
4	Date:	09/04/2020	(1670888)	
	Self Report?	NO	Classification:	Minor
	Citation:			
		30 TAC Chapter 290, SubChapter F 290.118(b)		
	Description:	Failure to meet the color unit requirement of 10 color units within the distribution system.		
5	Date:	09/17/2020	(1671919)	
	Self Report?	NO	Classification:	Moderate
	Citation:			
		30 TAC Chapter 290, SubChapter D 290.46(d)(2)		
	Description:	Failure to maintain the minimum disinfectant residual.		
6	Date:	01/15/2021	(1698114)	
	Self Report?	NO	Classification:	Minor
	Citation:			
		30 TAC Chapter 290, SubChapter F 290.118(b)		
	Description:	Failure to meet the color unit requirement of 10 color units within the distribution system.		
	Self Report?	NO	Classification:	Minor
	Citation:			
		30 TAC Chapter 290, SubChapter F 290.118(b)		
	Description:	Failure to maintain the secondary constituent levels for chloride (below 300 mg/L) and total dissolved solids (below 1000 mg/L).		
7	Date:	03/09/2023	(1925471)	
	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 0.085 mg/L at 965 PR 4322, Hallsville (DBP2-01). ETT Point Value = 5		
8	Date:	05/26/2023	(1925471)	
	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		

9	Date: 07/19/2023 (1910291)		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter F 290.118(b)		
	Description: Failure to maintain the secondary constituent levels for chloride (below 300 mg/L) and total dissolved solids (below 1000 mg/L).		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)		
	Description: Failure to have a monitoring plan.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1) 30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)		
	Description: Failure to inspect ground storage tanks and the exterior of pressure tanks annually.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)		
	Description: Failure to have a plant operations manual.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)		
	Description: Failure to have an updated Drought Contingency Plan.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
	Description: Failure to calibrate well meters every three years.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter D 290.38(41) 30 TAC Chapter 290, SubChapter D 290.46(m)		
	Description: Failure to maintain intruder resistant fences at the plant and the remote well.		
	Self Report? NO	Classification: Minor	
	Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)		
	Description: Failure to test chlorine residual in distribution once every 7 days.		
10*	Date: 09/01/2023 (1925471)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)		
	Description: TTHM LRAA MCL 3Q2023 – During the 3rd quarter of 2023 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.204 mg/L at 965 PR 4322, Hallsville (DBP2-01). ETT Point Value = 5		
11*	Date: 02/05/2024 (1955248)		
	Self Report? NO	Classification: Moderate	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)		
	Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition.		
	Self Report? NO	Classification: Major	
	Citation: 30 TAC Chapter 290, SubChapter D 290.46(q)(1)		
	Description: Failure to properly issue boil water notices and rescind notices.		

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

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

Item 1	December 09, 2019**	(1606100)
Item 2	April 06, 2020**	(1639760)
Item 3	June 18, 2020**	(1656840)
Item 4	October 07, 2020**	(1670888)
Item 5	July 17, 2023**	(1910291)
Item 6	September 13, 2023**	(1925471)
Item 7	September 15, 2023**	(1929595)

* 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
ABF, INC. DBA CLEARWATER
DISTRIBUTION;
RN101189629

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2023-1397-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding ABF, INC. dba Clearwater Distribution ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent, represented by George S. Henry, Attorney at Law, presented this Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondent agrees to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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 Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

FINDINGS OF FACT

1. Respondent owns and operates a public water supply ("PWS") located at 765 Pineway Road near Hallsville, Harrison County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 101 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(73).
2. During a record review conducted on September 4, 2023 through September 15, 2023, an investigator documented that Respondent 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 0.085 mg/L for the first quarter of 2023, 0.126 mg/L for the second quarter of 2023, and 0.204 mg/L for the third quarter of 2023.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, 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, Respondent failed to comply with the MCL of 0.080 mg/L for total TTHM, based on the locational running annual average, in violation of TEX. HEALTH & SAFETY CODE § 341.0315(c) and 30 TEX. ADMIN. CODE § 290.115(f)(1).

3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within 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 \$1,425 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(a). Respondent paid \$125 of the penalty. The remaining amount of \$1,300 shall be paid in 13 monthly payments of \$100 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 Respondent fails to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at her option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondent to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative 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 Respondent's compliance with all 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 which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: ABF, INC. dba Clearwater Distribution, Docket No. 2023-1397-PWS-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. 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; and
 - 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 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 fine and imprisonment for knowing violations."

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

Section Manager, Public Drinking Water
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 Respondent. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until 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. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. 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.

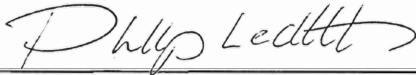
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



6/23/2025

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 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;
- Referral of this case to the Attorney General's office 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 Attorney General's office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature - Andy French, Director
ABF, INC.
4201 Spring Valley Road, Suite 1102
Dallas, Texas 75244

Date

04/23/2025

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