

Executive Summary – Enforcement Matter – Case No. 64927
Texas Department of Criminal Justice
RN102314283
Docket No. 2023-1459-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:

TDCJ Pack Unit, 2400 Wallace Pack Road, Navasota, Grimes 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: N/A

Texas Register Publication Date: March 28, 2025

Comments Received: No

Penalty Information

Total Penalty Assessed: \$2,550

Amount Deferred for Naturally Occurring Inorganic Contaminants: \$2,550

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - Satisfactory

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: September 11, 2023 through October 6, 2023

Date(s) of NOE(s): October 6, 2023

Executive Summary – Enforcement Matter – Case No. 64927
Texas Department of Criminal Justice
RN102314283
Docket No. 2023-1459-PWS-E

Violation Information

Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter for arsenic based on a running annual average [30 TEX. ADMIN. CODE § 290.106(f)(3)(C) 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 180 days, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days with the MCL for arsenic;
- b. Within 195 days, submit written certification to demonstrate compliance with a.;
- c. Within 365 days and on a semi-annual basis thereafter, submit progress reports. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic;
- d. Within 1,095 days, return to compliance with the MCL for arsenic based on a running annual average; and
- e. Within 1,110 days, submit written certification to demonstrate compliance with d.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Emerson Rinewalt, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1131; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Jason Pierce, Environmental Department Manager, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342-0099
Ron Steffa, Chief Financial Officer, Texas Department of Criminal Justice, P.O. Box 4011, Huntsville, Texas 77342-0099

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	9-Oct-2023	Screening	12-Oct-2023	EPA Due	31-Dec-2023
	PCW	10-Oct-2023				

RESPONDENT/FACILITY INFORMATION

Respondent	Texas Department of Criminal Justice				
Reg. Ent. Ref. No.	RN102314283				
Facility/Site Region	9-Waco	Major/Minor Source	Major		

CASE INFORMATION

Enf./Case ID No.	64927	No. of Violations	1
Docket No.	2023-1459-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Emerson Rinewalt
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	2.0%	Adjustment	Subtotals 2, 3, & 7	\$50
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Notes	Enhancement for one NOV with dissimilar violations.			
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Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes	The Respondent does not meet the culpability criteria.			
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Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$14,062	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$40,000	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,550
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes	

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,550
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DEFERRAL	100.0%	Reduction	Adjustment	-\$2,550
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	The Executive Director recommends a conditional deferral for naturally occurring constituents.		
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PAYABLE PENALTY	\$0
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Screening Date	12-Oct-2023	Docket No.	2023-1459-PWS-E	PCW
Respondent	Texas Department of Criminal Justice			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64927			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102314283			
Media	Public Water Supply			
Enf. Coordinator	Emerson Rinewalt			

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	1	2%
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) 2%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one NOV with dissimilar violations.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 2%

Screening Date	12-Oct-2023	Docket No.	2023-1459-PWS-E	PCW
Respondent	Texas Department of Criminal Justice			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	64927			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN102314283			
Media	Public Water Supply			
Enf. Coordinator	Emerson Rinewalt			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code 290.106(f)(3)(C) and Tex. Health & Safety Code 341.0315(c)			
Violation Description	Failed to comply with the maximum contaminant level ("MCL") of 0.010 milligrams per liter ("mg/L") for arsenic based on a running annual average. Specifically, the running annual average concentrations for arsenic at Site 1 were 0.014 mg/L for the first quarter of 2023, 0.013 mg/L for the second quarter of 2023, and 0.013 mg/L for the third quarter of 2023.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes: Exceeding the MCL for arsenic caused persons served by the Facility to be exposed to a significant amount of contaminants which did not exceed levels that are protective of human health.

Adjustment \$2,500

\$2,500

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			

Violation Base Penalty \$2,500

One annual event is recommended.

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.		

Reduction \$0

Violation Subtotal \$2,500

Economic Benefit (EB) for this violation

Estimated EB Amount	\$14,062	Statutory Limit Test	
		Violation Final Penalty Total	\$2,550
		This violation Final Assessed Penalty (adjusted for limits)	\$2,550

Economic Benefit Worksheet

Respondent Texas Department of Criminal Justice
Case ID No. 64927
Reg. Ent. Reference No. RN102314283
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)	\$40,000	31-Mar-2023	6-Apr-2028	5.02	\$670	\$13,392	\$14,062
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 corrective actions to return to compliance with the MCL for arsenic, 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	\$40,000	TOTAL	\$14,062
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Compliance History Report

Compliance History Report for CN601550650, RN102314283, Rating Year 2024 which includes Compliance History (CH) components from September 1, 2019, through August 31, 2024.

Customer, Respondent, or Owner/Operator: CN601550650, Texas Department of Criminal Justice **Classification:** SATISFACTORY **Rating:** 1.87

Regulated Entity: RN102314283, TDCJ PACK UNIT **Classification:** SATISFACTORY **Rating:** 0.31

Complexity Points: 7 **Repeat Violator:** NO

CH Group: 14 - Other

Location: 2400 WALLACE PACK ROAD NEAR NAVASOTA, GRIMES COUNTY, TEXAS

TCEQ Region: REGION 09 - WACO

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0930034

AIR NEW SOURCE PERMITS REGISTRATION 44226

PETROLEUM STORAGE TANK REGISTRATION
REGISTRATION 56145

WASTEWATER EPA ID TX0089010

AIR NEW SOURCE PERMITS ACCOUNT NUMBER
GK0022H

AIR NEW SOURCE PERMITS REGISTRATION 53360

WASTEWATER PERMIT WQ0013743001

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: Emerson Rinewalt

Phone: (512) 239-1131

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:

N/A

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1	December 17, 2019	(1627603)
Item 2	January 10, 2020	(1635234)
Item 3	February 13, 2020	(1641849)
Item 4	March 11, 2020	(1648363)
Item 6	April 14, 2020	(1654715)
Item 7	May 13, 2020	(1661281)
Item 8	June 15, 2020	(1656735)
Item 9	July 07, 2020	(1659232)
Item 10	August 18, 2020	(1681526)
Item 11	September 14, 2020	(1688104)

Item 12	October 13, 2020	(1694460)
Item 13	November 09, 2020	(1715988)
Item 14	December 09, 2020	(1715989)
Item 15	January 15, 2021	(1715990)
Item 16	February 12, 2021	(1729061)
Item 17	March 19, 2021	(1729062)
Item 18	April 15, 2021	(1729063)
Item 19	May 18, 2021	(1741829)
Item 20	June 17, 2021	(1748187)
Item 21	July 19, 2021	(1752876)
Item 22	August 18, 2021	(1758284)
Item 23	September 15, 2021	(1767557)
Item 24	October 20, 2021	(1778071)
Item 25	November 16, 2021	(1784802)
Item 26	December 16, 2021	(1791834)
Item 27	January 18, 2022	(1799684)
Item 28	February 15, 2022	(1807519)
Item 29	March 16, 2022	(1814560)
Item 30	April 26, 2022	(1821128)
Item 31	May 19, 2022	(1829965)
Item 32	June 20, 2022	(1836275)
Item 33	July 18, 2022	(1843461)
Item 34	August 22, 2022	(1849625)
Item 35	September 20, 2022	(1857392)
Item 36	October 19, 2022	(1863747)
Item 37	December 15, 2022	(1876512)
Item 38	January 18, 2023	(1883324)
Item 39	February 17, 2023	(1891140)
Item 40	March 17, 2023	(1899709)
Item 42	April 19, 2023	(1906512)
Item 43	May 18, 2023	(1913665)
Item 44	June 15, 2023	(1920274)
Item 45	July 19, 2023	(1927259)
Item 46	September 19, 2023	(1940376)
Item 47	November 17, 2023	(1952870)
Item 48	December 19, 2023	(1962643)
Item 49	January 18, 2024	(1969230)
Item 50	February 20, 2024	(1978296)
Item 51	March 19, 2024	(1984869)
Item 52	April 19, 2024	(1991392)
Item 53	May 17, 2024	(1997848)
Item 54	June 20, 2024	(2004810)
Item 55	July 19, 2024	(2012378)
Item 56	September 20, 2024	(2024983)
Item 57	October 18, 2024	(2031095)

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:	07/31/2024	(2017948)	
	Self Report?	YES		Classification: Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)		
	Description:	Failure to meet the limit for one or more permit parameter		

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

1	Date:	05/31/2020	(1667808)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
2	Date:	06/30/2020	(1674756)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
3	Date:	10/31/2022	(1870655)		
	Self Report?	YES		Classification:	Moderate
	Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1)			
	Description:	Failure to meet the limit for one or more permit parameter			
4	Date:	04/20/2023	(1930273)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)			
	Description:	ARS MCL 1Q2023 - During the 1st quarter of 2023 the system violated the maximum contaminant level for arsenic with a RAA of 0.014 mg/L. ETT Point Value = 5			
5	Date:	05/05/2023	(1889276)		
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)			
	Description:	Failure to inspect annually by water system personnel or a contracted inspection service each of the system's ground, elevated, and pressure tanks.			
	Self Report?	NO		Classification:	Minor
	Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(2) 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)			
	Description:	Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request.			
6	Date:	06/14/2023	(1930273)		
	Self Report?	NO		Classification:	Moderate
	Citation:	30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)			
	Description:	ARS MCL 2Q2023 - During the 2nd quarter of 2023 the system violated the maximum contaminant level for arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5			
7	Date:	07/31/2023	(1934203)		

Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

8* Date: 09/08/2023 (1930273)
 Self Report? NO Classification: Moderate
 Citation:
 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)
 Description: ARS MCL 3Q2023 - During the 3rd quarter of 2023 the system violated the maximum contaminant level for arsenic with a RAA of 0.013 mg/L. ETT Point Value = 5

9* Date: 09/30/2023 (1947182)
 Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

10* Date: 07/31/2024 (2017948)
 Self Report? YES Classification: Moderate
 Citation:
 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to meet the limit for one or more permit parameter

* 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*	December 17, 2019**	(1627603)
Item 2*	January 10, 2020**	(1635234)
Item 3*	February 13, 2020**	(1641849)
Item 4*	March 11, 2020**	(1648363)
Item 5*	April 14, 2020**	(1654715)
Item 6*	May 13, 2020**	(1661281)
Item 7*	June 15, 2020**	(1656735)
Item 8	June 16, 2020**	(1667808)
Item 9*	July 07, 2020**	(1659232)
Item 10	July 17, 2020**	(1674756)
Item 11*	August 18, 2020**	(1681526)
Item 12*	September 14, 2020**	(1688104)
Item 13*	October 13, 2020**	(1694460)
Item 14*	November 09, 2020**	(1715988)
Item 15*	December 09, 2020**	(1715989)
Item 16*	January 15, 2021**	(1715990)
Item 17*	February 12, 2021**	(1729061)
Item 18*	March 19, 2021**	(1729062)
Item 19*	April 15, 2021**	(1729063)
Item 20*	May 18, 2021**	(1741829)

Item 21*	June 17, 2021**	(1748187)
Item 22*	July 19, 2021**	(1752876)
Item 23*	August 18, 2021**	(1758284)
Item 24*	September 15, 2021**	(1767557)
Item 25*	October 20, 2021**	(1778071)
Item 26*	November 16, 2021**	(1784802)
Item 27*	December 16, 2021**	(1791834)
Item 28*	January 18, 2022**	(1799684)
Item 29*	February 15, 2022**	(1807519)
Item 30*	March 16, 2022**	(1814560)
Item 31*	April 26, 2022**	(1821128)
Item 32*	May 19, 2022**	(1829965)
Item 33*	June 20, 2022**	(1836275)
Item 34*	July 18, 2022**	(1843461)
Item 35*	August 22, 2022**	(1849625)
Item 36*	September 20, 2022**	(1857392)
Item 37*	October 19, 2022**	(1863747)
Item 38	November 15, 2022**	(1870655)
Item 39*	December 15, 2022**	(1876512)
Item 40	January 03, 2023**	(1867709)
Item 41*	January 18, 2023**	(1883324)
Item 42*	February 17, 2023**	(1891140)
Item 43*	March 17, 2023**	(1899709)
Item 44*	April 19, 2023**	(1906512)

Item 45	May 01, 2023**	(1889276)
Item 46*	May 18, 2023**	(1913665)
Item 47*	June 15, 2023**	(1920274)
Item 48	July 01, 2023**	(1909633)
Item 49*	July 19, 2023**	(1927259)
Item 50	August 18, 2023**	(1934203)
Item 51	September 01, 2023**	(1924517)
Item 52*	September 19, 2023**	(1940376)
Item 53	October 04, 2023**	(1930273)
Item 54	October 06, 2023**	(1931982)
Item 55	October 19, 2023**	(1947182)
Item 56	October 30, 2023**	(1936898)
Item 57*	November 17, 2023**	(1952870)
Item 58*	December 19, 2023**	(1962643)
Item 59*	January 18, 2024**	(1969230)
Item 60*	February 20, 2024**	(1978296)
Item 61*	March 19, 2024**	(1984869)
Item 62*	April 19, 2024**	(1991392)
Item 63	May 13, 2024**	(1966951)
Item 64*	May 17, 2024**	(1997848)
Item 65*	June 20, 2024**	(2004810)
Item 66*	July 19, 2024**	(2012378)
Item 67	August 20, 2024**	(2017948)
Item 68*	September 20, 2024	(2024983)

* 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
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE
RN102314283

§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2023-1459-PWS-E

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Texas Department of Criminal Justice (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 2400 Wallace Pack Road near Navasota, Grimes County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 532 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 September 11, 2023 through October 6, 2023, an investigator documented that the running annual average concentrations for arsenic at Site 1 were 0.014 milligrams per liter ("mg/L") for the first quarter of 2023, 0.013 mg/L for the second quarter of 2023, and 0.013 mg/L for the third 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 HEALTH & SAFETY CODE § 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.010 mg/L for arsenic based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.106(f)(3)(C) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes
4. An administrative penalty in the amount of \$2,550 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The amount of \$2,550 is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Order and shall be waived only upon full compliance with all the terms and conditions contained in this Order. If the Respondent fails to timely and satisfactorily comply with any requirement contained in this Order, the Executive Director may demand payment of all or part of the conditionally deferred penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 4 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Texas Department of Criminal Justice, Docket No. 2023-1459-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:

- a. Within 180 days after the effective date of this Order, submit an acceptable written plan, including a proposed schedule and any applicable planning materials, to the Executive Director that provides for an alternate water source, treatment technology, or other means of completing the necessary corrective actions to achieve compliance within 1,095 days after the effective date of this Order with the MCL for arsenic to the addresses listed in Ordering Provision No. 2.e below.
- b. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.e below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
- c. Within 365 days after the effective date of this Order and on a semi-annual basis thereafter, submit progress reports to the addresses listed in Ordering Provision No. 2.e below. These reports shall include information regarding actions taken to provide water which meets the MCL for arsenic.
- d. Within 1,095 days after the effective date of this Order, return to compliance with the MCL for arsenic based on a running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.106.
- e. Within 1,110 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.d. The certification shall be signed by the Respondent and shall include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively,

the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

4/25/2025


Date

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

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

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

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


Signature

2/20/25

Date

Ron Steffa
Name (Printed or typed)
Authorized Representative of
Texas Department of Criminal Justice

Chief Financial Officer
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.