



Texas Commission on Environmental Quality

Protecting Texas by Reducing and Preventing Pollution

March 04, 2024

Delivered Via Regular Mail DWS/NOV/3A/8000

GRAND HARBOR WSC
OSCAR ROHNE, PRESIDENT
4101 W GREEN OAKS BLVD STE 305 PMB 188
ARLINGTON, TX 76016-6800

SUBJECT: Notice of Violation: Revised Total Coliform Rule MONITORING, ROUTINE, MAJOR (RTCR)

GRAND HARBOR WSC - PWS ID NO. TX2490070
WISE County, TX

This letter contains important information about compliance requirements for your public water system.

Attention: Public Water System Owner / Manager / Operator

Based on the Texas Commission on Environmental Quality's (TCEQ) review of documents submitted pursuant to the federal Safe Drinking Water Act and its implementing regulations, it has been determined that the above-referenced Public Water System (PWS) has violated the requirements of the federal Revised Total Coliform Rule (RTCR), which took effect on April 1, 2016. Specifically, the above-referenced PWS violated the monitoring requirements of 40 Code of Federal Regulations (CFR) §141.860(c) by failure to collect every required routine sample according to the PWS's Sample Siting Plan (SSP) and/or failure to collect replacement samples when a State or lab invalidates one or more routine samples as described in the 40 CFR §141.853 and §141.860 [see 30 Texas Administrative Code (TAC) § 290.109(d)(2)(F), § 290.109(g)(4) and (6)]. The attached Monitoring Violation Report summarizes each violation by monitoring period.

Presently, any failure of a PWS to comply with the RTCR subjects the PWS to the Environmental Protection Agency's (EPA) enforcement authority. In accordance with 40 CFR §141.852, 141.853, and 141.860 [see 30 TAC §290.109(d) and (d)(1)(B), 290.109(g)(4), and 290.119], the PWS must: collect every required routine sample according to the PWS's Sample Siting Plan (SSP); and/or collect replacement samples when the TCEQ or lab invalidates one or more routine samples; and/or use approved analytical methods, holding times, sample collection methods by a State-accredited laboratory.

Public Notice Requirement

The PWS must provide public notice of this violation to the persons served by the PWS as soon as practical, but no later than **March 05, 2025**. In accordance with federal regulation, including 40 CFR §141.201, 141.202, 141.203, 141.204, and 141.205 [see 30 TAC §290.109(g)(4) and (6), and § 290.122], PWSs must also provide copies of this public notice to the TCEQ. Following the initial notice, the PWS shall repeat the notice annually for as long as the violation or situation persists, unless the TCEQ determines that appropriate circumstances warrant a different repeat notice frequency, and in no circumstance may the repeat notice be given less frequently than once per year. For additional requirements regarding the form, manner, and frequency of the required public notice, please consult 40 CFR 141, Subpart Q, including specifically 40 CFR §141.204 and §141.205 [see 30 TAC §290.122].

The public notice must include the enclosed mandatory language for every notice, required under 40 CFR §141.205 [see 30 TAC §290.122]. This statement must describe any actions the PWS is taking to correct the violation, and when the PWS expects to return to compliance. Please send a copy of the public notice and a signed Certificate of Delivery for Public Notice to the following address within 10 days of the public notice delivery.

**Drinking Water Inventory and Protection Team
TCEQ Drinking Water Special Functions Section (MC-155)
PO Box 13087
Austin, TX 78711-3087**

Failure by the PWS to notify its customers and submit a copy of both the public notice and Certificate of Delivery to TCEQ will result in additional violations. Please note that enforcement actions resulting from noncompliance may result in fines for each violation.

The TCEQ recommends that the PWS provide a copy of the public notice to local and state officials, such as Mayors, City Council Members, County Commissioners, Judges, and/or State Representatives, that are located in or that represent the affected area(s) served by the system.

Monitoring/Reporting violations may occur due to errors caused by laboratory data reporting procedures. If you believe that you received this violation due to a laboratory reporting error, please contact the TCEQ as soon as possible but no later than 45 days from the date of this letter so that TCEQ can conduct an investigation into the matter. Please be aware that you may be asked to provide supporting documentation from your laboratory to substantiate the laboratory error.

Additionally, the TCEQ records have the above contact information as the primary contact for this PWS. If this information is not correct, please fill out a Core Data Form and send to TCEQ within 10 days of receipt of this letter. The form and instructions are available for download at: http://www.tceq.texas.gov/permitting/central_registry/guidance.html. Completed forms should be mailed to the TCEQ at the address indicated above.

To view the PWS's information and coliform monitoring data, visit Texas Drinking Water Watch at: <http://dww2.tceq.texas.gov/DWW/>. If you have any questions need further information regarding the EPA's enforcement authority under the RTCR, the TCEQ's implementation of the RTCR via state rulemaking, or this violation, please contact a member of the RTCR program at (512) 239-4691 or TCRdata@tceq.texas.gov.

Sincerely,



Laura Higgins, Section Manager
Drinking Water Standards Section
Water Supply Division
Texas Commission on Environmental Quality

LH/av

Enclosures

cc: TCEQ Region 4

Monitoring and Reporting Violation Report:
GRAND HARBOR WSC PWS ID NO. TX2490070

REVISED TOTAL COLIFORM RULE (RTCR)			January 2024 01/01/2024 - 01/31/2024
<u>Analyte Code</u>	<u>Violation ID</u>	<u>Analyte</u>	<u>Rule Citation</u>
8000	264	REVISED TOTAL COLIFORM RULE (RTCR)	40 C.F.R. §141.860(c), §141.853(a)(1), §141.853(c) - Routine Monitoring Violation [see 30 TAC §290.109(d)(2)(F), §290.109(g)(4) and (6)]



Texas Commission on Environmental Quality

CERTIFICATE OF DELIVERY OF TIER III PUBLIC NOTICE TO CUSTOMERS

Public Notice (PN) to be posted within **12 months** of initial violation notification

Public Water System (PWS) name: GRAND HARBOR WSC

PWS ID:2490070

Type of Violation or Situation	Time Period(s) of Violation	# Samples Required	# Samples Submitted

30 TAC 290.122(c) states that the owner or operator of a PWS who fails to perform required monitoring, fails to comply with a test procedure, or is subject to variance or exemption granted under §290.102(b) shall notify persons served by the system no later than one year after the PWS learns of the violation. The initial public notice shall be issued in the following manner:

COMMUNITY WATER SYSTEM:

- ☐ Mail or other direct delivery to each customer receiving a bill and to other service connections to which water is delivered **OR**
- ☐ Reporting in the Consumer Confidence Report (CCR) (**At least one of these two options is required**)
AND any other method reasonably calculated to reach other persons served by the PWS such as (choose one or more below):
- ☐ Delivery of multiple copies for distribution to others (i.e. apartment building owners, large private employers)
- ☐ Continuous posting in conspicuous public places within the area served
- ☐ On the internet
- ☐ Electronic delivery or alert systems (e.g., reverse 911)
- ☐ Delivery to community organizations

NONCOMMUNITY WATER SYSTEM:

- ☐ Continuously post Notice in conspicuous places within affected PWS or service area **OR**
- ☐ Mail or direct delivery to each customer or service connection (**At least one of these two options is required**)
AND any other method reasonably calculated to reach other persons served by the PWS such as (choose one or more below):
- ☐ Publication in a local newspaper or newsletter distributed to customers
- ☐ E-mail to notify employees or students
- ☐ Electronic delivery or alert systems (e.g., reverse 911)
- ☐ Delivery of multiple copies to central locations (e.g., community centers, large employers)
- ☐ On the internet

In accordance with 30 TAC §290.122(g), all public water systems that are required to issue public notice to persons in accordance with 30 TAC §290.122, and that sell or otherwise provide drinking water to other public water systems (i.e., consecutive systems), shall provide public notice to the owner or operator of the consecutive systems.

☐ This PWS provides water to consecutive systems and those systems have been provided public notice.

Notice to Consecutive Systems was delivered on: _____ (date) by the following means:

Comments: _____

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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."

NOTE: 30 TAC 290.122(f) requires the PWS to provide a copy of the Public Notice issued and a signed Certificate of Delivery to the Executive Director within 10 days.

Date of Delivery to Customers: _____ Phone: _____

Certified by (print name): _____ Title: _____

Signature: _____ Date: _____

Submit a copy of the Public Notice delivered to customers and a copy of this completed Certificate of Delivery to the TCEQ at:

E-mail: pwspn@tceq.texas.gov

Mail: TCEQ, Water Supply Division, MC-155 Attn: Public Notice P.O. Box
13087 Austin, TX 78711-3087

A Word version of the PN and COD are located on the TCEQ web page titled 'Public Notice Language for Drinking Water Compliance':

https://www.tceq.texas.gov/drinkingwater/public_notice.html

Monitoring Violations Annual Notice - Template 3-1B

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Monitoring Requirements Not Met for:

GRAND HARBOR WSC

Our system failed to collect every required coliform sample. Although this incident was not an emergency, as our customers, you have a right to know what happened and what we did (are doing) to correct this situation.

We are required to monitor your drinking water for specific contaminants on a regular basis. Results of regular monitoring are an indicator of whether or not our drinking water meets health standards. During [compliance period month(s)] we ['did not monitor or test' or 'did not complete all monitoring or testing'] for coliform bacteria and therefore cannot be sure of the quality of your drinking water during that time.

What should I do?

There is nothing you need to do at this time. You may continue to drink the water. If a situation arises where the water is no longer safe to drink, we are required to notify you within 24 hours.

What is being done?

[Describe corrective action, for example: We collected every required coliform sample in [month and year] and are no longer in violation.]

For more information, please contact [name of water system contact] at [water system phone number or [water system business address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this notice in a public place or distributing copies by hand or mail.

This notice is being sent to you by GRAND HARBOR WSC.

Public Water System ID#: TX2490070.

Date distributed: _____ .