



REGION 6

DALLAS, TX 75270

August 16, 2024

TRANSMITTED VIA CERTIFIED MAIL:

Edward Miller
President, Harris County MUD 8
10000 Memorial Dr Ste 260
Houston, TX 77024-3430

Re: Administrative Order, Docket Number: SDWA-06-2024-1235
PWS ID Number: TX1010712

Dear Mr. Miller:

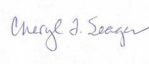
Enclosed is an Administrative Order (Order) issued by the United States Environmental Protection Agency, Region 6 (EPA) concerning the Harris County MUD 8 Public Water System (PWS). The Order requires the Harris County MUD 8 (Respondent) to comply with the provisions set forth in the attached Order. The EPA requests that the Respondent immediately confirm receipt of this letter and the attached Order via e-mail response to douppnik.sami@epa.gov.

As an owner/operator of a PWS that is a community water system (CWS) and as a supplier of water, the Harris County MUD 8 PWS is required to comply with the requirements of the SDWA and the National Primary Drinking Water Regulations. Pursuant to Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a), a CWS serving more than 3,300 persons is required to conduct a Risk and Resilience Assessment (RRA) of its system and submit certification of its completion to EPA by June 30, 2021, if the CWS serves less than 50,000 persons. Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), requires a CWS serving more than 3,300 persons to prepare or revise, where necessary, an Emergency Response Plan (ERP) that incorporates the findings of the certified RRA and to certify to EPA that the system has completed the ERP within 6 months of the RRA certification. The Harris County MUD 8 PWS TX1010712 violated Section 1433(a) and (b) of the SDWA, 42 U.S.C. § 300i-2(a) and (b), by failing to conduct the RRA and ERP and submit the certifications of completion to EPA by the required deadlines.

This Order does not assess a monetary penalty; however, it does require compliance with Section 1433(a) and (b) of the SDWA, 42 U.S.C. § 300i-2(a) and (b). Please be aware that failure to comply with this Order may subject the Respondent to additional enforcement action by EPA, including the initiation of legal proceedings to seek monetary penalties.

If you have questions regarding this Order, please contact Sami Doupnik, of my staff, at 214-665-7495 or doupnik.sami@epa.gov. Pursuant to Section 1414(a)(2)(B) of the SDWA, 42 U.S.C. § 300g-3(a)(2)(B), notice was provided to Harris County Judge, Lina Hidalgo, as an appropriate local elected official.

Sincerely,

 Digitally signed by
CHERYL SEAGER
Date: 2024.08.16
13:26:06 -05'00'

Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division

Enclosure

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UNITED STATES
ENVIRONMENTAL PROTECTION AGENCY
REGION 6

In the Matter of	§	
	§	
Harris County MUD 8	§	
	§	Docket No. SDWA-06-2024-1235
	§	
Respondent	§	
	§	
PWS ID # TX1010712	§	

ADMINISTRATIVE ORDER

STATUTORY AUTHORITY

The following findings are made, and Order issued, under the authority vested in the Administrator of the United States Environmental Protection Agency (EPA), by Section 1414(g) of the Safe Drinking Water Act (SDWA or the Act), 42 U.S.C. § 300g-3(g). The Administrator delegated the authority to issue this Order to the Regional Administrator of EPA Region 6, who delegated such authority to the Director of the Enforcement and Compliance Assurance Division.

FINDINGS

1. The Harris County MUD 8 (Respondent) is a person, as defined by Section 1401(12) of the Act, 42 U.S.C. § 300f(12).
2. At all times relevant to the violations alleged herein (relevant time period), Respondent owned or operated a public water system (PWS), as defined by Section 1401(4) of the Act, 42 U.S.C. § 300f(4), located in Houston, Harris County, Texas (facility), designated as PWS number TX1010712.
3. During the relevant time period, Respondent's PWS served more than 3,300 individuals year-round and is considered a "community water system" (CWS), as defined by Section 1401(15) of the Act, 42 U.S.C. § 300f(15). Respondent's CWS is subject to the requirements of the Act and its implementing regulations, 40 C.F.R. Part 141.

4. The Texas Commission on Environmental (TCEQ) administers the Public Water Supply Supervision Program in Texas pursuant to Section 1413 of the SDWA, 42 U.S.C. § 300g-2. TCEQ is the primacy agency, as that term is defined in 40 C.F.R. § 141.151(f). However, EPA has primary enforcement responsibility for Section 1433 of the SDWA, 42 U.S.C. § 300i-2.
5. On October 23, 2018, the SDWA was amended in accordance with the America's Water Infrastructure Act (AWIA) of 2018 (Public Law 115-270). Section 1433 of the SDWA, 42 U.S.C. § 300i-2, is an "applicable requirement" as defined in Section 1414(i) of the SDWA, 42 U.S.C. § 300g-3(i), and, thus, may be enforced by EPA.
6. Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a), requires a CWS serving more than 3,300 persons to conduct a Risk and Resilience Assessment (RRA) of its system and submit certification of its completion to EPA by June 30, 2021, if the CWS serves less than 50,000 persons. The RRA shall include an assessment of:
 - a) the risk to the system from malevolent acts and natural hazards;
 - b) the resilience of the pipes and constructed conveyances, physical barriers, source water, water collection and intake, pretreatment, treatment, storage and distribution facilities, electronic, computer, or other automated systems (including the security of such systems) which are utilized by the system;
 - c) the monitoring practices of the system;
 - d) the financial infrastructure of the system;
 - e) the use, storage, or handling of various chemicals by the system; and
 - f) the operation and maintenance of the system.
7. Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b), requires a CWS serving more than 3,300 persons to prepare or revise, where necessary, an emergency response plan (ERP) that incorporates the findings of the certified RRA and to certify to EPA that the system has completed the ERP within 6 months of the RRA certification. The ERP shall include:
 - a) strategies and resources to improve the resilience of the system, including the physical security and cybersecurity of the system;

- b) plans and procedures that can be implemented, and identification of equipment that can be utilized, in the event of a malevolent act or natural hazard that threatens the ability of the community water system to deliver safe drinking water;
 - c) actions, procedures, and equipment which can obviate or significantly lessen the impact of a malevolent act or natural hazard on the public health and the safety and supply of drinking water provided to communities and individuals, including the development of alternative source water options, relocation of water intakes, and construction of flood protection barriers; and
 - d) strategies that can be used to aid in the detection of malevolent acts or natural hazards that threaten the security or resilience of the system.
8. Pursuant to Section 1433(c) of the SDWA, 42 U.S.C. § 300i-2(c), CWSs shall, to the extent possible, coordinate with existing local emergency planning committees established pursuant to the Emergency Planning and Community Right-To-Know Act of 1986 (42 U.S.C. § 11001 et seq.) when preparing or revising an assessment or emergency response plan.
9. On July 5, 2024, EPA issued a Notice of Noncompliance (NON) to Respondent for failing to conduct a RRA of its system and submit certification of its completion to EPA by June 30, 2021, and for failing to prepare or revise an ERP that incorporates the findings of the certified RRA within 6 months of the RRA certification. The NON provided Respondent an opportunity to confer with EPA within 7-days regarding the matter and to provide information that EPA should consider.
10. Based on the information available to the EPA, Respondent failed to conduct an RRA of its PWS and submit the certification of completion of the RRA to EPA by June 30, 2021, in violation of Section 1433(a) of the SDWA, 42 U.S.C. § 300i-2(a).
11. Based on the information available to the EPA, Respondent failed to prepare or revise an ERP that incorporates the findings of the RRA and submit the certification that the PWS has completed the ERP to EPA within 6 months of the RRA certification in violation of Section 1433(b) of the SDWA, 42 U.S.C. § 300i-2(b).

SECTION 1414(g) COMPLIANCE ORDER

12. Based on these findings and pursuant to the authority of Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), EPA orders that Respondent immediately take the following action(s):

A. Within twenty (20) days of the effective date of this Order, Respondent shall submit to EPA its certification of completion of the RRA and ERP, as required by Section 1433(a) and (b) of the SDWA, 42 U.S.C. § 300i-2(a) and (b). Respondent shall submit the certifications electronically using the following link at:

<https://www.epa.gov/waterresilience/how-certify-your-risk-and-resilience-assessment-or-emergency-response-plan>

B. Within twenty (20) days of the effective date of this Order, Respondent shall provide written confirmation to EPA that the violations cited herein have been corrected and Respondent is compliant with the requirements of Section 1433(a), (b), and (c) of the SDWA, 42 U.S.C. § 300i-2(a), (b), and (c), and this Order. Respondent shall submit written confirmation to EPA electronically via email to: doupnik.sami@epa.gov.

GENERAL PROVISIONS

This Order is effective upon receipt by a representative of the PWS.

Respondent may seek federal judicial review of this Order pursuant to Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

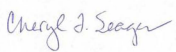
This Section 1414(g) Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. Part 141 or other applicable federal and state requirements, which remain in full force and effect. Issuance of this Section 1414(g) Order is not an election by EPA to forego any civil or any criminal action otherwise authorized under the Act.

Violation of any term of this Section 1414(g) Order may subject Respondent to an administrative civil penalty under Section 1414(g) of the Act, 42 U.S.C. § 300g-3(g), or a civil penalty, assessed by an appropriate United States District Court under Section 1414(g)(3)(A) of the Act, 42 U.S.C. § 300g-3(g)(3)(A).

This Order shall be binding on the PWS cited herein and all its successors and assignees. No change in ownership of the PWS shall alter the responsibility of the PWS under this Order.

August 16, 2024

Date

 Digitally signed by
CHERYL SEAGER
Date: 2024.08.16
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Cheryl T. Seager, Director
Enforcement and
Compliance Assurance Division