

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48457
FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
RN101192631
Docket No. 2014-0431-PWS-E

Order Type:

Default Order

Media:

PWS – Public Water System

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

1,000 feet south of the intersection of Forest Oaks Drive and Indian Trail, Colorado County

Type of Operation:

public water system

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$392.60 (Acct. No. 90450018)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: March 27, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$575

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$575

Compliance History Classifications:

Person/CN –N/A (Forest Oaks WSC); Unclassified (Dennis Pavlicek)

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: February 24, 2014 through March 7, 2014

Date(s) of NOV(s): June 14, 2013; November 14, 2013; February 26, 2014

Date(s) of NOE(s): March 7, 2014

Violation Information

1. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter and failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A)].
2. Failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
3. Failed to provide public notification regarding the failure to conduct routine coliform monitoring [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
4. Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90450018 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90450018;
 - b. Mail or directly deliver one copy of the CCR prepared using compliance monitoring data for the year 2013 to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers;
 - c. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs; and
 - d. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including but not limited to providing public notification for the failure to submit DLQORs to the Executive Director and the failure to collect routine coliform monitoring.
2. Within 45 days, submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
3. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.
4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.d.;
 - b. Within 60 days for Technical Requirement No. 2; and
 - c. Within 285 days for Technical Requirement No. 3.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 48457
FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
RN101192631
Docket No. 2014-0431-PWS-E

Litigation Information

Date Petition(s) Filed: October 22, 2014 (EDPRP); November 21, 2014 (EDFARP)
Date Green Card(s) Signed: October 30, 2014 (EDPRP); December 1, 2014 (Forest Oaks WSC EDFARP) and December 2, 2014 (Dennis Pavlicek EDFARP)
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Meaghan M. Bailey, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363
TCEQ Enforcement Coordinator: Yuliya Dunaway, Enforcement Division, (210) 403-4077
TCEQ Regional Contact: Steve Smith, Houston Regional Office, (713) 767-3500
Respondent Contact: Dennis Pavlicek, Director, FOREST OAKS WATER SUPPLY CORPORATION,
212 W. Davitt St., Eagle Lake, Texas 77434-1313
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

TCEQ

DATES	Assigned	10-Mar-2014			
	PCW	4-Nov-2014	Screening	17-Mar-2014	EPA Due 31-Dec-2013

RESPONDENT/FACILITY INFORMATION

Respondent	FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek				
Reg. Ent. Ref. No.	RN101192631				
Facility/Site Region	12-Houston	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	48457	No. of Violations	4
Docket No.	2014-0431-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	15.0% Enhancement	Subtotals 2, 3, & 7	\$75
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Notes	Enhancement for three NOVs with the same/similar violations.
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Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes	The Respondents do 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	\$399	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$599	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$575
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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	
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Final Penalty Amount	\$575
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$575
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes	Deferral not offered for non-expedited settlement.
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PAYABLE PENALTY	\$575
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Screening Date 17-Mar-2014

Docket No. 2014-0431-PWS-E

PCW

Respondent FOREST OAKS WATER SUPPLY CORPORATION
and Dennis Pavlicek

Policy Revision 3 (September 2011)

Case ID No. 48457

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101192631

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	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>)	3	15%
	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	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 judgements 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%
<i>Please Enter Yes or No</i>			
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) 15%

>> 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 three NOVs with the same/similar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 15%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 15%

Screening Date 17-Mar-2014

Docket No. 2014-0431-PWS-E

PCW

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek

Policy Revision 3 (September 2011)

Case ID No. 48457

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101192631

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter and failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director. Specifically, the Respondents did not submit DLQORs for the first quarter of 2012 through the second quarter of 2013 and did not provide public notification regarding the failure to submit DLQORs for the first and second quarters of 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 6

540 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$300

Six single events are recommended (one for each required report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
	Extraordinary	
Ordinary		
N/A	x	(mark w th x)

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$208

Violation Final Penalty Total \$345

This violation Final Assessed Penalty (adjusted for limits) \$345

Economic Benefit Worksheet

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
Case ID No. 48457
Reg. Ent. Reference No. RN101192631
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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	\$45	24-Feb-2014	13-Oct-2014	0.63	\$1	n/a	\$1
Training/Sampling	\$100	24-Feb-2014	13-Oct-2014	0.63	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	24-Feb-2014	13-Oct-2014	0.63	\$3	n/a	\$3

Notes for DELAYED costs

The delayed costs include the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the record review date to the estimated date of compliance. The other delayed costs include the estimated amount to develop and implement procedures and conduct employee training to ensure that all necessary notifications are provided in a timely manner, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$132	10-Apr-2012	10-Jul-2013	2.17	\$14	\$132	\$146
Other (as needed)	\$50	11-Apr-2013	10-Oct-2013	1.42	\$4	\$50	\$54

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit DLQORs (\$22 per DLQOR x 6 quarters), calculated from the date the report was due for the first quarter of 2012 to the date the report was due for the second quarter of 2013. The other avoided costs include the estimated amount to provide public notification for the failure to submit a DLQOR (\$25 per notification x 2 notifications), calculated for the period in which public notifications were required.

Approx. Cost of Compliance \$427

TOTAL \$208

Screening Date 17-Mar-2014

Docket No. 2014-0431-PWS-E

PCW

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek

Policy Revision 3 (September 2011)

Case ID No. 48457

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101192631

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description

Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondents did not mail or directly deliver the CCR to the Facility's customers and did not submit the CCR or the required certification to the TCEQ for years 2011 and 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 720 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events are recommended (one for each report).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$138

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

Economic Benefit Worksheet

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
Case ID No. 48457
Reg. Ent. Reference No. RN101192631
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

Item Cost **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
Item Description No commas or \$

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				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

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$122	1-Jul-2012	17-Mar-2014	2.63	\$16	\$122	\$138
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the estimated amount necessary to produce copies of the CCR and mail or directly deliver the reports to customers of the water supply and the TCEQ (\$0.50 x 22 connections plus a flat fee of \$50 x 2 years), calculated from the date the 2011 CCR was due to the date of screening.

Approx. Cost of Compliance \$122

TOTAL \$138

Screening Date 17-Mar-2014

Docket No. 2014-0431-PWS-E

PCW

Respondent

FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek

Policy Revision 3 (September 2011)

Case ID No.

48457

PCW Revision August 3, 2011

Reg. Ent. Reference No.

RN101192631

Media [Statute]

Public Water Supply

Enf. Coordinator

Yuliya Dunaway

Violation Number

3

Rule Cite(s)

30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description

Failed to provide public notification regarding the failure to conduct routine coliform monitoring during the months of March 2012 and June 2012.

Base Penalty

\$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment

\$950

\$50

Violation Events

Number of Violation Events 2

61 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty

\$100

Two single events are recommended (one for each required notification).

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal

\$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$54

Violation Final Penalty Total \$115

This violation Final Assessed Penalty (adjusted for limits) \$115

Economic Benefit Worksheet

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
Case ID No. 48457
Reg. Ent. Reference No. RN101192631
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	Onetime Costs	EB Amount
No commas or \$							

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				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 costs for this violation are included in the economic benefit worksheet for violation no. 1.

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$50	1-Apr-2012	30-Sep-2012	1.42	\$4	\$50	\$54
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The delayed costs include the estimated amount to provide public notification of the failure to sample (\$25 per notice x 2 notices), calculated for the period when public notifications were required.

Approx. Cost of Compliance

\$50

TOTAL

\$54

Screening Date 17-Mar-2014

Docket No. 2014-0431-PWS-E

PCW

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek

Policy Revision 3 (September 2011)

Case ID No. 48457

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101192631

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702

Violation Description

Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90450018 for Fiscal Years 2013 and 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Matrix Notes area (empty)

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$0

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$0

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek
Case ID No. 48457
Reg. Ent. Reference No. RN101192631
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

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				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	N/A						

Avoided Costs

ANNUALIZE [1] 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 [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	N/A						

Approx. Cost of Compliance

TOTAL



Compliance History Report

PENDING Compliance History Report for CN602570046, RN101192631, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator:	CN602570046, FOREST OAKS WATER SUPPLY CORPORATION	Classification: NOT APPLICABLE	Rating: -----
Regulated Entity:	RN101192631, F O WSC	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	1000 FT SOUTH OF THE INTERSECTION OF FOREST OAKS DRIVE AND INDIAN TRAIL, COLORADO COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0450018		

Compliance History Period:	September 01, 2008 to August 31, 2013	Rating Year:	2014	Rating Date:	09/01/2014
Date Compliance History Report Prepared:	March 14, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 14, 2009 to March 14, 2014				
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.					
Name:	Yuliya Dunaway		Phone:	(210) 403-4077	

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
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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 June 24, 2011 (923597)

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:	06/14/2013	(1152076)	CN604698795
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

2 Date: 11/14/2013 (1152076) CN604698795
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2013 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2013 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

3 Date: 02/26/2014 (1152076) CN604698795
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 2Q2013 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 disinfectant monitoring and reporting violation during the 2nd quarter of 2013.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 1Q2013 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 disinfectant monitoring and reporting violation during the 1st quarter of 2013.

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



Compliance History Report

PENDING Compliance History Report for CN604698795, RN101192631, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator:	CN604698795, Dennis Pavlicek	Classification: UNCLASSIFIED	Rating: -----
Regulated Entity:	RN101192631, F O WSC	Classification: NOT APPLICABLE	Rating: N/A
Complexity Points:	N/A	Repeat Violator:	N/A
CH Group:	14 - Other		
Location:	1000 FT SOUTH OF THE INTERSECTION OF FOREST OAKS DRIVE AND INDIAN TRAIL, COLORADO COUNTY, TX		
TCEQ Region:	REGION 12 - HOUSTON		
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0450018		

Compliance History Period:	September 01, 2009 to August 31, 2014	Rating Year:	2014	Rating Date:	09/01/2014
Date Compliance History Report Prepared:	November 07, 2014				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	March 14, 2009 to March 14, 2014				

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

Name: Yuliya Dunaway **Phone:** (210) 403-4077

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
- 3) If **YES** for #2, who is the current owner/operator? N/A
- 4) If **YES** for #2, who was/were the prior owner(s)/operator(s)? N/A
- 5) If **YES**, when did the change(s) in owner or operator occur? N/A

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 June 24, 2011 (923597)

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:	06/14/2013	(1152076)	CN604698795
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter 290, SubChapter H 290.271(b) 30 TAC Chapter 290, SubChapter H 290.274(a) 30 TAC Chapter 290, SubChapter H 290.274(c)		

Description: CCR 2011 - The system failed to provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

2 Date: 11/14/2013 (1152076) CN604698795
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2013 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 1Q2013 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2013 within the required timeline.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)
30 TAC Chapter 290, SubChapter H 290.274(a)
30 TAC Chapter 290, SubChapter H 290.274(c)
Description: CCR 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

3 Date: 02/26/2014 (1152076) CN604698795
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 2Q2013 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 disinfectant monitoring and reporting violation during the 2nd quarter of 2013.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
Description: DLQOR MR PN 1Q2013 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 disinfectant monitoring and reporting violation during the 1st quarter of 2013.

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
FOREST OAKS WATER SUPPLY
CORPORATION AND
DENNIS PAVLICEK;
RN101192631**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-0431-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition, filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek ("Respondents").

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

FINDINGS OF FACT

1. Respondents own and operate a public water system located 1,000 feet south of the intersection of Forest Oaks Drive and Indian Trail in Colorado County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 22 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(66).
2. During a record review conducted February 24, 2014 through March 7, 2014, an investigator documented that Respondent:
 - a. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of each quarter for the first quarter of 2012 through the second quarter of 2013, and failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director for the first and second quarters of 2013;
 - b. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ for the years 2011 and 2012;
 - c. Failed to provide public notification regarding the failure to conduct routine coliform monitoring during the months of March 2012 and June 2012; and
 - d. Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90450018 for Fiscal Years 2013 and 2014.

3. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of FOREST OAKS WATER SUPPLY CORPORATION" (the "EDPRP") in the TCEQ Chief Clerk's office on October 22, 2014.
4. By letter dated October 22, 2014, sent to FOREST OAKS WATER SUPPLY CORPORATION's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served FOREST OAKS WATER SUPPLY CORPORATION with notice of the EDPRP. According to USPS.com "Track & Confirm" delivery confirmation records, FOREST OAKS WATER SUPPLY CORPORATION received notice of the EDPRP on October 30, 2014.
5. The Executive Director filed the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of FOREST OAKS WATER SUPPLY CORPORATION d/b/a F O WSC and Dennis Pavlicek" (the "EDFARP") in the TCEQ Chief Clerk's office on November 21, 2014.
6. By letter dated November 21, 2014, sent to each Respondents' last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served each Respondent with notice of the EDFARP. According to USPS.com "Track & Confirm" delivery confirmation records, FOREST OAKS WATER SUPPLY CORPORATION received notice of the EDFARP on December 1, 2014, and Dennis Pavlicek received notice of the EDFARP on December 2, 2014.
7. More than 20 days have elapsed since each Respondent received notice of the EDFARP. Respondents failed to file an answer and failed to request a hearing¹.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of each quarter and failed to provide public notification regarding the failure to submit a DLQOR to the Executive Director, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A).
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
4. As evidenced by Finding of Fact No. 2.c., Respondents failed to provide public notification regarding the failure to conduct routine coliform monitoring, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).

¹ Documents filed by a former board member of FOREST OAKS WATER SUPPLY CORPORATION to inform TCEQ of the January 14, 2012, ownership transfer of FOREST OAKS WATER SUPPLY CORPORATION to Dennis Pavlicek were erroneously labeled "Respondent's Answer" and "Respondent's Supplement to Original Answer," however, since the documents were not submitted by either Dennis Pavlicek or anyone with authority to act on behalf of FOREST OAKS WATER SUPPLY CORPORATION, the filings do not constitute true answers or hearing requests.

5. As evidenced by Finding of Fact No 2.d., Respondents failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90450018, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
6. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served each Respondent with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
7. As evidenced by Finding of Fact No. 7, Respondents failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondents and assess the penalty recommended by the Executive Director.
8. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents 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.
9. An administrative penalty in the amount of five hundred seventy-five dollars (\$575.00) 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.
10. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty in the amount of five hundred seventy-five dollars (\$575.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' 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 which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: FOREST OAKS WATER SUPPLY CORPORATION and Dennis Pavlicek; Docket No. 2014-0431-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
3. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90450018. The payment shall be sent with the notation "FOREST OAKS WATER SUPPLY CORPORATION, Financial Administration Account No. 90450018" to the address listed in Ordering Provision No. 2 above;

- ii. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, as required by 30 TEX. ADMIN. CODE § 290.274;
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110; and
 - iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility, including but not limited to providing public notification for the failure to submit DLQORs to the Executive Director and the failure to collect routine coliform monitoring, in accordance with 30 TEX. ADMIN. CODE § 290.122.
- b. Within 45 days after the effective date of this Order:
- i. Submit written certification, as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.iv.; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:
 - Public Drinking Water Section Manager
 - Water Supply Division, MC 155
 - Texas Commission on Environmental Quality
 - P.O. Box 13087
 - Austin, Texas 78711
- c. Within 60 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provision No. 3.b.ii.
- d. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:
 - DLQOR Coordinator
 - Water Supply Division, MC 155
 - Texas Commission on Environmental Quality
 - P.O. Box 13087
 - Austin, Texas 78711-3087
- e. Within 285 days after the effective date of this Order, submit written certifications as described in Ordering Provision No. 3.f. below, to demonstrate compliance with Ordering Provision No. 3.d.
- f. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts,

and/or other records, shall be signed by Respondents, 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."

Respondents shall submit the written certifications and copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents.
6. 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 Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive 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 Order Compliance Team at the address listed above.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Respondents if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
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. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

S I G N A T U R E P A G E

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF MEAGHAN M. BAILEY

STATE OF TEXAS

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§
§

COUNTY OF TRAVIS

"My name is Meaghan M. Bailey. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

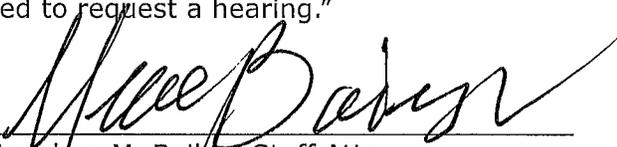
On behalf of the Executive Director of the Texas Commission on Environmental Quality ("TCEQ"), the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of FOREST OAKS WATER SUPPLY CORPORATION" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on October 22, 2014.

The EDPRP was mailed to FOREST OAKS WATER SUPPLY CORPORATION's last known address on October 22, 2014, via certified mail, return receipt requested, postage prepaid. According to USPS.com Track & Confirm confirmation records, FOREST OAKS WATER SUPPLY CORPORATION received notice of the EDPRP on October 30, 2014.

On behalf of the Executive Director of the TCEQ, the "Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of FOREST OAKS WATER SUPPLY CORPORATION d/b/a F O WSC and Dennis Pavlicek" (the "EDFARP") was filed in the TCEQ Chief Clerk's office on November 21, 2014.

The EDFARP was mailed to each Respondent's last known address on November 21, 2014, via certified mail, return receipt requested, postage prepaid. According to USPS.com "Track & Confirm" delivery confirmation records, FOREST OAKS WATER SUPPLY CORPORATION received notice of the EDFARP on December 1, 2014, and Dennis Pavlicek received notice of the EDFARP on December 2, 2014

More than 20 days have elapsed since each Respondent received notice of the EDFARP. Respondents failed to file an answer and failed to request a hearing."



Meaghan M. Bailey, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Meaghan M. Bailey, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Subscribed and sworn to before me on this 16 day of February A.D. 2015.



Notary Public, State of Texas



Notary without Bond