

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49567
CATALPA WATER SUPPLY CORPORATION
RN101247211
Docket No. 2014-1612-PWS-E

Order Type:

Default Order

Media:

Public Water System (PWS)

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

one mile south of Interstate Highway 27 off Western Street on Catalpa Street, Amarillo, Randall County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: None
Past-Due Penalties: None
Past-Due Fees: \$900.35 (Acct. No. 91910006)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: July 3, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: \$690

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$690

Compliance History Classifications:

Person/CN – N/A

Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: September 29 - October 10, 2014
Date(s) of NOV(s): November 14, 2013; February 26, 2014; July 2, 2014
Date(s) of NOE(s): November 21, 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 the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR for the first quarter of 2014 [30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)].
2. 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 to the TCEQ by July 1 of each year 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 collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the January 1, 2013 through December 31, 2013 monitoring period [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].
4. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the January 1, 2003 through December 31, 2011 monitoring period [30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1)].
5. Failed to pay annual public health service fees and/or any associated late fees for TCEQ Financial Administration (“FA”) Account No. 91910006 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].
6. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2013 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs (Violation No. 1);
 - b. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility (Violation Nos. 1 and 6);
 - c. Implement improvements to the Facility’s process, procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected and analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period (Violation Nos. 3 and 4);

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 49567
CATALPA WATER SUPPLY CORPORATION
RN101247211
Docket No. 2014-1612-PWS-E

- d. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers (Violation No. 2); and
 - e. Submit payment for all outstanding fees for TCEQ FA Account No. 91910006, including any associated penalties and interest (Violation No. 5).
2. Within 45 days, submit to the Executive Director 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 for the year 2014 (Violation No. 2).
 3. Within 90 days:
 - a. Begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter (Violation No. 1); and
 - b. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period (Violation Nos. 3 and 4).
 4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 1.a. through 1.e.;
 - b. Within 60 days for Technical Requirement No. 2;
 - c. Within 285 days for Technical Requirement No. 3.a.; and
 - d. Within 470 days for Technical Requirement No. 3.b.

Litigation Information

Date Petition(s) Filed: March 16, 2015
Date Green Card(s) Signed: March 20, 2015
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: David A. Terry, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Rudy Calderon, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Jessica Schildwachter, Enforcement Division, (512) 239-2617

TCEQ Regional Contact: Guy Wilkins, Amarillo Regional Office, (806) 353-9251

Respondent Contact: Brett Brown, President, CATALPA WATER SUPPLY CORPORATION, 14300 Savannah, Amarillo, Texas 79117

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

TCEQ

DATES	Assigned	13-Oct-2014	Screening	28-Oct-2014	EPA Due	31-Dec-2014
	PCW	23-Jan-2015				

RESPONDENT/FACILITY INFORMATION

Respondent	CATALPA WATER SUPPLY CORPORATION				
Reg. Ent. Ref. No.	RN101247211				
Facility/Site Region	1-Amarillo	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	49567	No. of Violations	6
Docket No.	2014-1612-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Jessica Schildwachter
		EC's Team	Enforcement Team 5
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$600
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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	\$90
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Notes: Enhancement for three NOVs with same or similar violations.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$779
 Estimated Cost of Compliance: \$979
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$690
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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: [Empty box]

Final Penalty Amount	\$690
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$690
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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.

PAYABLE PENALTY	\$690
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Screening Date 28-Oct-2014

Docket No. 2014-1612-PWS-E

PCW

Respondent CATALPA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49567

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101247211

Media [Statute] Public Water Supply

Enf. Coordinator Jessica Schildwachter

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 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%
<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 same or 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 28-Oct-2014 **Docket No.** 2014-1612-PWS-E **PCW**
Respondent CATALPA WATER SUPPLY CORPORATION *Policy Revision 4 (April 2014)*
Case ID No. 49567 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN101247211
Media [Statute] Public Water Supply
Enf. Coordinator Jessica Schildwachter

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f)
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 the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR. Specifically, the Respondent failed to submit a DLQOR for the first quarter of 2014 and failed to provide public notification regarding the failure to submit a DLQOR for the first quarter of 2014.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 90 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

Notes The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$58 **Violation Final Penalty Total** \$58

This violation Final Assessed Penalty (adjusted for limits) \$58

Economic Benefit Worksheet

Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
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
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	29-Sep-2014	31-May-2015	0.67	\$2	n/a	\$2
Training/Sampling	\$100	29-Sep-2014	31-May-2015	0.67	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	29-Sep-2014	31-May-2015	0.67	\$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 cost includes the estimated amount to develop a protocol to ensure all necessary public notifications are provided and reported to the Executive Director, calculated from the record review date 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]	\$22	10-Apr-2014	28-Oct-2014	1.47	\$2	\$22	\$24
Other (as needed)	\$25	11-Apr-2014	10-Jul-2014	1.16	\$1	\$25	\$26

Notes for AVOIDED costs

The avoided costs include the estimated amount to timely prepare and submit a DLQOR (\$22 x one DLQOR) and provide public notification (\$25 per notification) for the failure to submit a DLQOR, calculated from the date the DLQOR was due to the screening date and for the period public notification was required.

Approx. Cost of Compliance

\$292

TOTAL

\$58

Screening Date 28-Oct-2014

Docket No. 2014-1612-PWS-E

PCW

Respondent CATALPA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49567

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101247211

Media [Statute] Public Water Supply

Enf. Coordinator Jessica Schildwachter

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 to the TCEQ by July 1 of each year 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. Specifically, the Respondent did not mail or directly deliver the CCR to the bill paying customers nor did the Respondent submit the CCRs or the required certifications to the TCEQ for the years 2011, 2012, and 2013.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential					

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 3 Number of violation days 1095

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	x	

Violation Base Penalty \$150

Three single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark w th x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$275

Violation Final Penalty Total \$173

This violation Final Assessed Penalty (adjusted for limits) \$173

Economic Benefit Worksheet

Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media Public Water Supply
Violation No. 2

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

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]	\$237	1-Jul-2012	28-Oct-2014	3.24	\$38	\$237	\$275
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011, 2012, and 2013 CCRs to the customers of the Facility (([\$0.50 x 58 connections] + \$50) x 3 years), calculated from the date the first CCR was due to the date of screening.

Approx. Cost of Compliance \$237

TOTAL \$275

Screening Date 28-Oct-2014
Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media [Statute] Public Water Supply
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1612-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2) and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period. Specifically, the Respondent did not collect the required lead and copper samples for the January 1, 2013 through December 31, 2013 monitoring period.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to collect lead and copper samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text" value="x"/>
single event	<input type="text"/>

Violation Base Penalty

One annual event is recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
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	\$100	29-Sep-2014	31-May-2015	0.67	\$3	n/a	\$3
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 implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper samples are collected by the Facility's personnel, analyzed by the Facility's laboratories, and reported to the Executive Director, 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]	\$150	1-Jan-2013	31-Dec-2013	1.92	\$14	\$150	\$164
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x five samples x one monitoring period), calculated for the period in which samples were required.

Approx. Cost of Compliance \$250

TOTAL \$168

Screening Date 28-Oct-2014
Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media [Statute] Public Water Supply
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1612-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.117(c)(2) and (i)(1)

Violation Description

Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period. Specifically, the Respondent did not collect the required lead and copper samples for the January 1, 2003 through December 31, 2011 monitoring period.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential	x		

Percent 15.0%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to collect lead and copper samples could expose persons served by the Facility to undetected contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 1

3286 **Number of violation days**

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$224

Violation Final Penalty Total \$173

This violation Final Assessed Penalty (adjusted for limits) \$173

Economic Benefit Worksheet

Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
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
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	Delayed cost included in Violation No. 3.						

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]	\$150	1-Jan-2003	31-Dec-2011	9.92	\$74	\$150	\$224
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to collect and have analyzed all lead and copper samples (\$30 per sample x five samples x one monitoring period), calculated for the period in which samples were required.						

Approx. Cost of Compliance \$150

TOTAL \$224

Screening Date 28-Oct-2014
Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media [Statute] Public Water Supply
Enf. Coordinator Jessica Schildwachter

Docket No. 2014-1612-PWS-E

PCW

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Violation Number

Rule Cite(s)

30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702

Violation Description

Failed to pay annual public health service fee and/or any associated late fees for TCEQ Financial Administration Account No. 91910006 for Fiscal Years 2012, 2013, and 2014.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events

Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	

Violation Base Penalty

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

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

Notes

Violation Subtotal

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media Public Water Supply
Violation No. 5

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	Not applicable.						

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	Not applicable.						

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 28-Oct-2014

Docket No. 2014-1612-PWS-E

PCW

Respondent CATALPA WATER SUPPLY CORPORATION

Policy Revision 4 (April 2014)

Case ID No. 49567

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN101247211

Media [Statute] Public Water Supply

Enf. Coordinator Jessica Schildwachter

Violation Number 6

Rule Cite(s)

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

Violation Description

Failed to provide public notification and failed to submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs. Specifically, the Respondent failed to provide public notification regarding the failure to submit a DLQOR 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	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

180 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.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	(mark with x)

Notes

The Respondent does 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 CATALPA WATER SUPPLY CORPORATION
Case ID No. 49567
Reg. Ent. Reference No. RN101247211
Media Public Water Supply
Violation No. 6

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

Delayed cost included in 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	11-Apr-2013	10-Oct-2013	1.42	\$4	\$50	\$54
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to provide public notifications (\$25 per notification), calculated for the period public notifications were required.

Approx. Cost of Compliance

\$50

TOTAL

\$54

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



Compliance History Report

PUBLISHED Compliance History Report for CN600693618, RN101247211, Rating Year 2014 which includes Compliance History (CH) components from September 1, 2009, through August 31, 2014.

Customer, Respondent, or Owner/Operator: CN600693618, CATALPA WATER SUPPLY CORPORATION **Classification:** N/A **Rating:** N/A

Regulated Entity: RN101247211, Catalpa Villa **Classification:** N/A **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: One mile south of Interstate Highway 27 off Western Street on Catalpa Street in Amarillo, Randall County, Texas

TCEQ Region: REGION 01 - AMARILLO

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1910006

Compliance History Period: September 01, 2009 to August 31, 2014 **Rating Year:** 2014 **Rating Date:** 09/01/2014

Date Compliance History Report Prepared: November 18, 2014

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: October 28, 2009 to October 28, 2014

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

Name: Jessica Schildwachter

Phone: (512) 239-2617

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.):

N/A

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

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

1 Date: 11/14/2013

(1198094)

CN600693618

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.

2 Date: 02/26/2014

(1198094)

CN600693618

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

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)

30 TAC Chapter 290, SubChapter F 290.122(f)

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.

3 Date: 07/02/2014

(1198094)

CN600693618

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(e)(5)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: DLQOR MR 1Q2014 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 1st quarter of 2014 within the required timeline.

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
CATALPA WATER SUPPLY
CORPORATION;
RN101247211**

§
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§
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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2014-1612-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is CATALPA WATER SUPPLY CORPORATION ("Respondent").

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located approximately one mile south of Interstate Highway 27 off Western Street on Catalpa Street in Amarillo, Randall County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 58 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 from September 29, 2014 through October 10, 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 the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR for the first quarter of 2014;
 - 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 to the TCEQ by July 1 of each year 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 for the years 2011, 2012, and 2013;
 - c. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period for the January 1, 2013 through December 31, 2013 monitoring period;
 - d. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the monitoring period for the January 1, 2003 through December 31, 2011 monitoring period;

- e. Failed to pay annual public health service fee and/or any associated late fees for TCEQ Financial Administration ("FA") Account No. 91910006 for Fiscal Years 2012, 2013, and 2014; and
 - f. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs for the first and second quarters of 2013.
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 CATALPA WATER SUPPLY CORPORATION" (the "EDPRP") in the TCEQ Chief Clerk's office on March 16, 2015.
 4. By letter dated March 16, 2015, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt "green card," Respondent received notice of the EDPRP on March 20, 2015, as evidenced by the signature on the card.
 5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter and failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit the DLQOR, in violation of 30 TEX. ADMIN. CODE §§ 290.110(e)(4)(A) and (f)(3) and 290.122(c)(2)(A) and (f).
3. As evidenced by Finding of Fact No. 2.b., Respondent 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 by July 1 of each year 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, 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., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the January 1, 2013 through December 31, 2013 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed at an approved laboratory, and submit the results to the Executive Director by the tenth day of the month following the end of the January 1, 2003 through December 31, 2011 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2) and (i)(1).¹

¹ Effective May 15, 2011, 30 TEX. ADMIN. CODE § 290.117 was amended and the requirements in 30 TEX. ADMIN. CODE §§ 290.117(c)(2) and (i)(1) were added. *36 Tex. Reg. 2860*. Previously, the requirements in 30 TEX. ADMIN. CODE §§ 290.117(c)(2) and (i)(1) were required under 30 TEX. ADMIN. CODE §§ 290.117(a)(2)(A) and (m)(1)(B) (*effective Jan. 9, 2008*) and 40 C.F.R. §§ 141.86(c), (d)(ii), and (f)(2)(2007).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to pay annual public health service fee and/or any associated late fees for TCEQ FA Account No. 91910006, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702.
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to submit DLQORs, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
8. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
9. As evidenced by Finding of Fact No. 5, Respondent 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 Respondent and assess the penalty recommended by the Executive Director.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of six hundred ninety dollars (\$690.00) 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.
12. 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. Respondent is assessed an administrative penalty in the amount of six hundred ninety dollars (\$690.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 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: CATALPA WATER SUPPLY CORPORATION; Docket No. 2014-1612-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. Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Order:
 - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submittal of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 2);
 - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, including but not limited to providing public notices of the failure to submit DLQORs to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 2 and 7);
 - iii. Implement improvements to the Facility's process, procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected and analyzed by an approved laboratory and the results reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117 (Conclusions of Law Nos. 4 and 5);
 - iv. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2014 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 (Conclusion of Law No. 3); and
 - v. Submit payment for all outstanding fees for TCEQ Financial Administration Account No. 91910006, including any associated penalties and interest (Conclusion of Law No. 6), with the notation, "CATALPA WATER SUPPLY CORPORATION, Financial Administration Account No. 91910006" 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
 - b. Within 45 days after the effective date of this Order:
 - i. Submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provisions Nos. 3.a.i. through 3.a.v.; and
 - ii. Submit to the Executive Director 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 for the year 2014, as required by 30 TEX. ADMIN. CODE § 290.274 (Conclusion of Law No. 3). The copy of the CCR and certification shall be mailed to:

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

- c. Within 60 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision 3.g., to demonstrate compliance with Ordering Provision No. 3.b.ii.
- d. Within 90 days after the effective date of this Order:
 - i. 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 (Conclusion of Law No. 2). DLQORs shall be submitted to:

Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Begin complying with applicable lead and copper monitoring requirements by collecting the required number of lead and copper samples and reporting the results to the Executive Director within ten days of the month following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117 (Conclusions of Law Nos. 4 and 5).
- e. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.d.i.
- f. Within 470 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provision No. 3.d.ii.
- g. 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 Respondent, and shall include the following certification language:

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

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

Order Compliance Team
Texas Commission on Environmental Quality
Enforcement Division, MC 149A
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 Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the 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 Respondent if the Executive Director determines that Respondent has 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 DAVID A. TERRY

STATE OF TEXAS

§
§
§

COUNTY OF TRAVIS

"My name is David A. Terry. 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, 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 CATALPA WATER SUPPLY CORPORATION" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on March 16, 2015.

The EDPRP was mailed to Respondent's last known address on March 16, 2015, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on March 20, 2015, as evidenced by the signature on the card.

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

David A. Terry, Staff Attorney
Office of Legal Services, Litigation Division
Texas Commission on Environmental Quality

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

Subscribed and sworn to before me on this 5th day of June, A.D. 2015.

Notary Public, State of Texas

