

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 58905
Skywater Water Supply Corporation
RN106855067
Docket No. 2020-0212-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
140 Busby Road, Hereford, Castro County

Type of Operation:
public water system

Other Significant Matters:

Additional Pending Enforcement Actions: Yes, 2021-0467-PWS-E
Past-Due Penalties: None
Past-Due Fees: \$220.85 (90350014); \$37.42 (89913206)
Other: None
Interested Third-Parties: None

Texas Register Publication Date: April 29, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,787

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$1,787

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: January 20, 2020, through January 31, 2020

Date(s) of NOV(s): See Compliance History - 7 Related NOVs

Date(s) of NOE(s): January 31, 2020

Skywater Water Supply Corporation

RN106855067

Docket No. 2020-0212-PWS-E

Violation Information

1. Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period [30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3)].
2. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period [30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1)].
3. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j)].
4. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for 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 calendar year 2018 [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
5. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on October 31, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected [30 TEX. ADMIN. CODE § 290.109(d)(4)(B)].

Corrective Actions/Technical Requirements**Corrective Action(s) Completed:**

None

Technical Requirements:

1. Immediately collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites and ensure the samples are analyzed and the results reported to the Executive Director.
2. Within 30 days:
 - a. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period;
 - b. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period;
 - c. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements;

Skywater Water Supply Corporation

RN106855067

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- d. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers; and
 - e. Collect one groundwater source *Escherichia coli* sample from each of the groundwater sources in use at the time the distribution coliform-positive samples were collected.
3. 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 provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
 4. Submit written certification to demonstrate compliance:
 - a. Within 45 days for Technical Requirements Nos. 2.a. and 2.c. through 2.e.;
 - b. Within 60 days for Technical Requirement No. 3;
 - c. Within 225 days for Technical Requirement No. 2.b.; and
 - d. Within 380 days for Technical Requirement No. 1.

Litigation Information

Date Petition(s) Filed: September 15, 2021
Date Green Card(s) Signed: September 18, 2021
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Jess Robinson, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Samantha Salas, Enforcement, (512) 239-1543
TCEQ Regional Contact: Guy Wilkins, Amarillo Regional Office, (806) 353-9251
Respondent Contact: Jill Lopez, President, Skywater Water Supply Corporation, 140 Busby Road, Hereford, Texas 79045
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	3-Feb-2020	Screening	3-Feb-2020	EPA Due	31-Mar-2020
	PCW	4-Feb-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Skywater Water Supply Corporation
Reg. Ent. Ref. No.	RN106855067
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	58905	No. of Violations	4
Docket No.	2020-0212-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$450
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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	49.0% Adjustment	Subtotals 2, 3, & 7	\$220
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Notes: Enhancement for five NOVs with the same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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	\$336	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$668	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$670
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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:

Final Penalty Amount	\$670
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$670
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$670
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Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

>> 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 five NOVs with the same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 49%

Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.117(e)(2), (h), and (i)(3)			
Violation Description	Failed to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential	x			15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%
Matrix Notes	Failure to conduct water quality parameter sampling could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.				

Adjustment \$850

\$150

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$150

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

Estimated EB Amount \$8 **Violation Final Penalty Total** \$224

This violation Final Assessed Penalty (adjusted for limits) \$224

Economic Benefit Worksheet

Respondent Skywater Water Supply Corporation
Case ID No. 58905
Reg. Ent. Reference No. RN106855067
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$80	31-Dec-2018	12-Feb-2021	2.12	\$8	n/a	\$8
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 collect all required water quality parameter samples [\$20 per sample x two missed samples x (one entry point + one distribution sample site) x one monitoring period], calculated from the last date of the monitoring period to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$80

TOTAL

\$8

Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Matrix Notes	<input type="text" value="Failure to collect lead and copper tap 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

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

Violation Base Penalty

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"/>	<input type="text"/>

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 Skywater Water Supply Corporation
Case ID No. 58905
Reg. Ent. Reference No. RN106855067
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$100	20-Jan-2020	15-Sep-2020	0.65	\$3	n/a	\$3
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 tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$300	30-Jun-2019	3-Feb-2020	0.60	\$9	\$300	\$309
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x ten missed samples x one monitoring period), calculated from the last day of the monitoring period to the screening date.

Approx. Cost of Compliance

\$400

TOTAL

\$312

Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Violation Number

Rule Cite(s)

Violation Description

Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	100% of the rule requirements were not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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 checked="" type="text" value="x"/>

Violation Base Penalty

Two single events are 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 checked="" type="text" value="x"/>	<input type="text"/>
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 Skywater Water Supply Corporation
Case ID No. 58905
Reg. Ent. Reference No. RN106855067
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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)	\$110	30-Sep-2018	15-Sep-2020	1.96	\$11	n/a	\$11

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x ten sampled locations + \$50) x two monitoring periods), calculated from the date the earliest consumer notification was due to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$110

TOTAL

\$11

Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5.0%"/>
<input type="text" value="100% of the rule requirements were not met."/>					

Adjustment

Violation Events

Number of Violation Events Number of violation days

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" value="x"/>

Violation Base Penalty

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"/>	<input type="text"/>

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 Skywater Water Supply Corporation
Case ID No. 58905
Reg. Ent. Reference No. RN106855067
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	Costs Saved	EB Amount
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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)	\$78	1-Jul-2019	30-Sep-2020	1.25	\$5	n/a	\$5

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 55 connections) + \$50) x one year], calculated from the due date of the 2018 CCR to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$78

TOTAL \$5



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	3-Feb-2020	Screening	3-Feb-2020	EPA Due	31-Mar-2020
	PCW	4-Feb-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Skywater Water Supply Corporation
Reg. Ent. Ref. No.	RN106855067
Facility/Site Region	1-Amarillo
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	58905	No. of Violations	1
Docket No.	2020-0212-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$750
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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	49.0% Adjustment	Subtotals 2, 3, & 7	\$367
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Notes: Enhancement for five NOVs with the same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

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: \$1
 Estimated Cost of Compliance: \$25
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,117
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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:

Final Penalty Amount	\$1,117
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,117
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	\$1,117
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Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	5	25%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 49%

>> 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 five NOVs with the same/similar violations, two NOVs with dissimilar violations, and one agreed order containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 49%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 49%

Screening Date	3-Feb-2020	Docket No.	2020-0212-PWS-E	PCW
Respondent	Skywater Water Supply Corporation			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	58905			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN106855067			
Media	Public Water Supply			
Enf. Coordinator	Samantha Salas			

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="15.0%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>
<input type="text" value="Failure to collect raw groundwater samples could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Adjustment

Violation Events

Number of Violation Events Number of violation days

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" value="x"/>

Violation Base Penalty

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"/>	<input type="text"/>

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 Skywater Water Supply Corporation
Case ID No. 58905
Reg. Ent. Reference No. RN106855067
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				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	\$25	1-Nov-2019	15-Sep-2020	0.87	\$1	n/a	\$1
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 collect one raw groundwater source sample from each active source (\$25 per sample x one missed sample x one active source), calculated from the date the sample should have been collected to the estimated date of compliance.

Avoided Costs

ANNUALIZE avoided costs before entering item (except for one-time avoided costs)

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$1

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

Compliance History Report for CN603834268, RN106855067, Rating Year 2019 which includes Compliance History (CH) components from September 1, 2014, through August 31, 2019.

Customer, Respondent, or Owner/Operator: CN603834268, Skywater Water Supply Corporation **Classification:** N/A **Rating:** N/A

Regulated Entity: RN106855067, SKYWATER WSC **Classification:** N/A **Rating:** N/A

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

CH Group: 14 - Other

Location: 140 BUSBY ROAD NEAR HEREFORD, CASTRO COUNTY, TEXAS

TCEQ Region: REGION 01 - AMARILLO

ID Number(s): **ON SITE SEWAGE FACILITY PERMIT 0350171** **ON SITE SEWAGE FACILITY PERMIT 0350307**
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0350014

Compliance History Period: September 01, 2014 to August 31, 2019 **Rating Year:** 2019 **Rating Date:** 09/01/2019

Date Compliance History Report Prepared: February 03, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: February 03, 2015 to February 03, 2020

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

Name: Samantha Salas

Phone: (512) 239-1543

Site and Owner/Operator History:

- 1) Has the site been in existence and/or operation for the full five-year compliance period? YES
- 2) Has there been a (known) change in ownership/operator of the site during the compliance period? NO

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 03/26/2019 ADMINORDER 2018-0425-PWS-E (1660 Order-Agreed Order With Denial)

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 2Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2017 within the required timeline.

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 3Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2017 within the required timeline.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter E 290.51(a)(6)

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90350014 for Fiscal Year 2017.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar year 2017.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 April 22, 2019 (1556217)

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: 05/06/2019 (1554008)

- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(V)
Description: The facility failed to record the amount of water distributed by the water system each week.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(4)(A)
Description: The facility failed to monitor the free disinfectant residual in the water distribution system at least once every seven days.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
Description: The facility failed to maintain a 0.2 mg/L free disinfectant residual level continuously throughout the water distribution system.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
Description: The facility failed to install a vent on well #1 well casing to minimize the drawing in of contaminates.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: The facility failed to install a weighted gravity type cover on the overflow pipe of the ground storage tank to prevent the of entry of contaminates.
- Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
Description: The facility failed to maintain the system chlorine pump in good working condition.
- 2 Date: 05/14/2019 (1624584)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(e)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(3)
Description: LCR WQP MR Reduced 2018 - The system failed to monitor for water quality parameters in accordance with TCEQ rules two times during the Reduced 2018 monitoring period at entry point location 209 Coronado Rd, Hereford (PBCU001) and the distribution system.
- 3 Date: 06/18/2019 (1624584)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN 2nd 6M2018- The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2018 to 12/31/2018.
- 4 Date: 09/18/2019 (1624584)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RT MR 1st 6M2019 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2019 to 06/30/2019 within the required timeline.
- 5 Date: 10/11/2019 (1624584)
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 2018 - The system failed to provide the Consumer Confidence Report (CCR) for 2018 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- 6 Date: 01/08/2020 (1624584)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 10/2019 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
- 7 Date: 01/14/2020 (1624584)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)
30 TAC Chapter 290, SubChapter F 290.109(c)(3)
30 TAC Chapter 290, SubChapter F 290.109(g)(14)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.859(b)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(b)(1)

Description: RTCR L1 Violation 11/01/2019- 12/20/2019 - Failure to complete a Level 1 Assessment or provide an adequate Level 1 Assessment after it was triggered during the monitoring period 10/2019.

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
SKYWATER WATER SUPPLY
CORPORATION;
RN106855067**

**§
§
§
§
§
§**

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

DEFAULT ORDER

DOCKET NO. 2020-0212-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. 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 Skywater 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 (“PWS”) located at 140 Busby Road near Hereford, Castro County, Texas (the “Facility”).¹ The Facility provides water for human consumption, has approximately 55 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During a record review conducted on January 20, 2020, through January 31, 2020, TCEQ staff documented that Respondent:
 - a. Failed to conduct water quality parameter sampling at each of the Facility’s entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period;
 - b. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period;
 - c. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods;
 - d. Failed to mail or directly deliver one copy of the Consumer Confidence Report (“CCR”) to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for 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 calendar year 2018; and

¹ The Facility’s well and treatment plant are located elsewhere, at GPS Coordinates 34.73433, -102.35563, on real property in Castro County with the following legal description: 659 BLK M-7 SEC 84 LOT 40 BS&F CORONADO ACRES.

- e. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on October 31, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected.
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 Skywater Water Supply Corporation” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 15, 2021.
4. By letter dated September 15, 2021, 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 September 18, 2021, 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. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to conduct water quality parameter sampling at each of the Facility’s entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(e)(2), (h), and (i)(3).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(A), (h), and (i)(1).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification has been distributed in a manner consistent with TCEQ requirements for the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods, in violation of 30 TEX. ADMIN. CODE § 290.117(i)(6) and (j).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for 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 calendar year 2018, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on October 31, 2019, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each active groundwater source in use at the time the distribution coliform-positive samples were collected, in violation of 30 TEX. ADMIN. CODE § 290.109(d)(4)(B).

7. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDP RP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
8. 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.
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of one thousand seven hundred eighty-seven dollars (\$1,787.00) 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(b).
11. 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 one thousand seven hundred eighty-seven dollars (\$1,787.00) 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 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 the TCEQ and shall be sent with the notation "Re: Skywater Water Supply Corporation; Docket No. 2020-0212-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. Immediately upon the effective date of this Order, collect one water quality parameter sample at each entry point and one water quality parameter sample at each of the Facility's required distribution sample sites and ensure the samples are analyzed and the results reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.117.
 - b. Within 30 days after the effective date of this Order:
 - i. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117;

- ii. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period;
 - iii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2018 through June 30, 2018 and July 1, 2018 through December 31, 2018 monitoring periods, and submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - iv. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and
 - v. Collect one groundwater source *Escherichia coli* sample from each of the groundwater sources in use at the time the distribution coliform-positive samples were collected, in accordance with 30 TEX. ADMIN. CODE § 290.109.
- c. Within 45 days after the effective date of this Order:
- i. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274. The copy of the CCR and certification shall be mailed to:
 - CCR Coordinator
 - Water Supply Division, MC 155
 - Texas Commission on Environmental Quality
 - P.O. Box 13087
 - Austin, Texas 78711-3087
 - ii. Submit written certification, in accordance with Ordering Provision No. 3.g., to demonstrate compliance with Ordering Provisions Nos. 3.b.i. and 3.b.iii. through 3.b.v.;
- d. Within 60 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.c.i.;
- e. Within 225 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.b.ii.;and
- f. Within 380 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.a.

- 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 based on my inquiry of those individuals immediately responsible for obtaining the information, I believe the submitted information is true, accurate, and complete. I am aware 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
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.
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 for further enforcement proceedings without notice to Respondent if the Executive Director determines Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. 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.
10. 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



UNSWORN DECLARATION OF JESS ROBINSON

"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 Skywater Water Supply Corporation" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on September 15, 2021.

The EDPRP was mailed to Respondent's last known address on September 15, 2021, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDPRP on September 18, 2021, 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."

"My name is Jess S. Robinson, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,
State of Texas,
on the 6th day of April, 2022

A handwritten signature in blue ink that reads "Jess Robinson".

Declarant