

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 55511
MAPLE WATER SUPPLY CORPORATION
RN101458156
Docket No. 2020-1470-PWS-E

Order Type:
Default Order

Media:
PWS

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
3198 Farm-to-Market Road 596, near Maple, Bailey County

Type of Operation:
public water supply

Other Significant Matters:
Additional Pending Enforcement Actions: Yes, 2022-1133-UTL-E
Past-Due Penalties: \$757.50
Past-Due Fees: \$3,827.69
Other: None
Interested Third-Parties: None

Texas Register Publication Date: January 27, 2023

Comments Received: None

Penalty Information

Total Penalty Assessed: \$4,224

Total Paid to General Revenue: \$0

Total Due to General Revenue: \$4,224

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: October 19, 2020, through October 30, 2020; November 4, 2020; November 10, 2020

Date(s) of NOV(s): See Compliance History for NOV(s)

Date(s) of NOE(s): October 30, 2020

Violation Information

1. Failed to submit a Disinfection Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director [TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.vii].
3. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected, and did not provide public notification and submit copy of the notification to the Executive Director regarding the failure to collect a raw groundwater source *Escherichia coli* sample [TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision Nos. 2.a.i. and 2.a.iv.].
4. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring [TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.iv.].
5. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar years 2017 through 2019 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.].
6. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2018 through 2020 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 30 days:
 - a. Update the Facility’s operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
 - b. Collect at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected during the month of January 2015;
 - c. 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 and reported to the Executive Director;
 - d. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director;
 - e. Provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring during the month of June 2015 and regarding the failure to collect a raw groundwater source sample during the month of January 2015;

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MAPLE WATER SUPPLY CORPORATION
RN101458156
Docket No. 2020-1470-PWS-E

- f. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90090011 for fiscal years 2018 through 2020;
 - g. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account No. 11377 for calendar years 2017 through 2019; and
 - h. 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.
2. Within 45 days submit written certification as described in Technical Requirement No. 5. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.e.
 3. Within 90 days begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter.
 4. Within 195 days submit written certification as described in Technical Requirement No. 5. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 3.
 5. Within 225 days submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Technical Requirement No. 1.h.

Litigation Information

Date Petition(s) Filed: June 2, 2022
Date(s) of Service: June 6, 2022
Date Answer(s) Filed: N/A

Contact Information

TCEQ Attorneys: Taylor Pearson, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-3144
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Samantha Duncan, Enforcement Division, (512) 239-2511
TCEQ Regional Contact: Jay Keith, Lubbock Regional Office, (806) 796-7092
Respondent Contact: John F. Furgeson, Jr., Maple Water Supply Corporation, P.O. Box 10, Maple, Texas 79344-0010
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	23-Nov-2020	Screening	30-Nov-2020	EPA Due	31-Dec-2020
	PCW	30-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	MAPLE WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN101458156
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	55511	No. of Violations	3
Docket No.	2020-1470-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Duncan
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$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	69.0%	Adjustment	Subtotals 2, 3, & 7	\$1,207
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Notes: Enhancement for two NOVs with the same/similar violations, seven NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without 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: \$54
 Estimated Cost of Compliance: \$425
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,957
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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	\$2,957
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,957
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,957
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Screening Date	30-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

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>)	2	10%
	Other written NOVs	7	14%
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	1	25%
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) 69%

>> **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 two NOVs with the same/similar violations, seven NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 69%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 69%

Screening Date	30-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

Violation Number

Rule Cite(s)
TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.vii

Violation Description
Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period.

Base Penalty

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

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

>> **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

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"/>
annual	<input type="text"/>
single event	x

Violation Base Penalty

One single 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	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 MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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	\$100	16-Nov-2018	19-Oct-2021	2.93	\$15	n/a	\$15
Training/Sampling	\$150	16-Nov-2018	19-Oct-2021	2.93	\$22	n/a	\$22
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The first Training/Sampling 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 reported to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0017-PWS-E to the estimated date of compliance.

The second Training/Sampling delayed cost includes the estimated amount to collect and have analyzed all lead and copper tap samples (\$30 per sample x five missed samples x one monitoring period), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0017-PWS-E to the screening date.

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

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Approx. Cost of Compliance \$250

TOTAL \$37

Screening Date	30-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

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

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 MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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	\$25	16-Nov-2018	19-Oct-2021	2.93	\$4	n/a	\$4
Training/Sampling	\$100	19-Oct-2020	19-Oct-2021	1.00	\$5	n/a	\$5
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$25	16-Nov-2018	19-Oct-2021	2.93	\$4	n/a	\$4

Notes for DELAYED costs

The first training/sampling delayed cost includes the estimated amount to collect a raw groundwater source sample from each active source (\$25 per sample x one missed sample at an active source in January 2015), calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0017-PWS-E to the estimated date of compliance.

The second training/sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility and that a copy of the public notifications, accompanied with a signed Certificate of Delivery, are submitted to the Executive Director, calculated from the record review date to the estimated date of compliance.

The other delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0017-PWS-E 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 \$150

TOTAL \$13

Screening Date	30-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	3			
Rule Cite(s)	TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.iv			
Violation Description	Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring during the month of June 2015.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential			
				Percent 0.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 1 745 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

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	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$4	Violation Final Penalty Total \$423
This violation Final Assessed Penalty (adjusted for limits) \$423	

Economic Benefit Worksheet

Respondent MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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)	\$25	16-Nov-2018	19-Oct-2021	2.93	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost to implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by Facility and that a copy of the public notifications, accompanied with a signed Certificate of Delivery, are submitted to the Executive Director is captured in the Economic Benefit Worksheet of Violation No. 2.

The delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0017-PWS-E 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 \$4



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	2-Nov-2020	Screening	10-Nov-2020	EPA Due	31-Dec-2020
	PCW	30-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	MAPLE WATER SUPPLY CORPORATION
Reg. Ent. Ref. No.	RN101458156
Facility/Site Region	2-Lubbock
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	55511	No. of Violations	3
Docket No.	2020-1470-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Samantha Duncan
		EC's Team	Enforcement Team 2
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	69.0%	Adjustment	Subtotals 2, 3, & 7	\$517
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Notes: Enhancement for two NOV's with the same/similar violations, seven NOV's with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without 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: \$75
 Estimated Cost of Compliance: \$212
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,267
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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	\$1,267
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,267
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,267
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Screening Date	10-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			Policy Revision 4 (April 2014)
Case ID No.	55511			PCW Revision September 1, 2019
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

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>)	2	10%
	Other written NOVs	7	14%
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	1	25%
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) 69%

>> **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 two NOVs with the same/similar violations, seven NOVs with dissimilar violations, one agreed order containing a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 69%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 69%

Screening Date	10-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			

Violation Number

Rule Cite(s)

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

Violation Description

Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2019 through the second quarter of 2020.

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

Percent

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="checkbox"/>

Violation Base Penalty

Three single events are recommended.

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<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 MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

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	19-Oct-2020	19-Oct-2021	1.00	\$2	n/a	\$2
Training/Sampling	\$100	19-Oct-2020	19-Oct-2021	1.00	\$5	n/a	\$5
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 record keeping system and training/sampling 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.

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	\$67	10-Jul-2020	10-Nov-2020	0.34	\$1	\$67	\$68
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs
 The avoided cost includes the estimated amount to prepare and submit a DLQOR [(\$22 per DLQOR x three reports) + \$1 of accrued interest that began accruing from the due date of the earliest monitoring period], calculated from the date the last report was due to the screening date.

Approx. Cost of Compliance \$212

TOTAL \$75

Screening Date	10-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702			
Violation Description	Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar years 2017 through 2019.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Adjustment \$5,000

\$0

Violation Events

Number of Violation Events Number of violation days

- daily
- weekly
- monthly
- quarterly
- semiannual
- annual
- single event

Violation Base Penalty \$0

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

Good Faith Efforts to Comply 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	x	

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

Violation Subtotal \$0

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

Estimated EB Amount \$0 **Violation Final Penalty Total** \$0

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

Economic Benefit Worksheet

Respondent MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

Avoided Costs

ANNUALIZE 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	N/A						

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date	10-Nov-2020	Docket No.	2020-1470-PWS-E	PCW
Respondent	MAPLE WATER SUPPLY CORPORATION			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	55511			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN101458156			
Media	Public Water Supply			
Enf. Coordinator	Samantha Duncan			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702			
Violation Description	Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2018 through 2020.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Adjustment \$5,000

\$0

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>	Violation Base Penalty \$0
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"/>	

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

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	
Notes	The Respondent does not meet the good faith criteria for this violation.	

Violation Subtotal \$0

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$0	Violation Final Penalty Total \$0
This violation Final Assessed Penalty (adjusted for limits) \$0	

Economic Benefit Worksheet

Respondent MAPLE WATER SUPPLY CORPORATION
Case ID No. 55511
Reg. Ent. Reference No. RN101458156
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
------------------	-----------	---------------	------------	-----	----------------	-------------	-----------

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	N/A						

Avoided Costs

ANNUALIZE 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	N/A						

Approx. Cost of Compliance \$0

TOTAL \$0

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 CN600675300, RN101458156, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN600675300, Maple Water Supply Corporation
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101458156, MAPLE WSC
Classification: NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 3198 FARM-TO-MARKET ROAD 596 NEAR MAPLE, BAILEY COUNTY, TEXAS

TCEQ Region: REGION 02 - LUBBOCK

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
0090011

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: March 24, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 24, 2016 to March 24, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Samantha Duncan **Phone:** (512) 239-2511

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: 08/16/2016 ADMINORDER 2016-0234-MLM-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20(c)
Description: Failure to develop an adequate and up-to-date Drought Contingency Plan.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate the well flow meters at least once every three years.
Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter D 290.51(a)(6)
Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2014 and 2015.
- 2 Effective Date: 11/16/2018 ADMINORDER 2018-0017-PWS-E (Findings Order-Agreed Order Without Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
Description: GWR Triggered Source MR Violation 01/2015 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)
30 TAC Chapter 290, SubChapter F 290.117(h)
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
Description: LCR RD MR 3Y2017 - The system failed to monitor and/or report distribution lead and copper levels to the

TCEQ for the triennial reduced monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.

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 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

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 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

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 2014 - The system failed to provide the Consumer Confidence Report (CCR) for 2014 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

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 4Q2016 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 4th quarter of 2016.

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 3Q2015 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 3rd quarter of 2015.

Classification: Moderate

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

Description: JUN/2015 TCR Routine MR PN 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 failing to conduct routine coliform monitoring for the month of 06/2015.

Classification: Moderate

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

Description: JAN/2015 GWR Triggered Source Monitoring PN 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 failing to conduct triggered source monitoring for the month of 01/2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees and any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2016 and 2017.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay adequate regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar year 2016.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 July 14, 2016 (1342925)

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: 04/23/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 02/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 2 Date: 05/14/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 03/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 3 Date: 06/16/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 04/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 4 Date: 07/02/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)
 Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2020 within the required timeline.

- 5 Date: 07/16/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
 Description: RTCR Routine MR Violation 05/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 6 Date: 08/17/2020 (1684765)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)

Description: 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
RTCR Routine MR Violation 06/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

7 Date: 08/31/2020 (1684765)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 07/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

8 Date: 09/29/2020 (1684765)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)
30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)
30 TAC Chapter 290, SubChapter F 290.109(g)(4)
30 TAC Chapter 290, SubChapter F 290.109(g)(5)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)
Description: RTCR Routine MR Violation 08/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

9 Date: 09/30/2020 (1684765)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)
30 TAC Chapter 290, SubChapter F 290.110(f)(2)
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
Description: DLQOR MR 2Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2020 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
MAPLE WATER SUPPLY CORPORATION;
RN101458156

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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

DEFAULT ORDER
DOCKET NO. 2020-1470-PWS-E

On _____, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s First Amended Report and Petition, filed pursuant to TEX. HEALTH AND SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, 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 MAPLE 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 supply (“PWS”) located at 3198 Farm-to-Market Road 596 near Maple, Bailey County, Texas (the “Facility”). The Facility provides water for human consumption, has approximately 30 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 October 19, 2020, through October 30, 2020, an investigator documented that Respondent failed to submit a Disinfection Level Quarterly Operating Report (“DLQOR”) to the Executive Director by the tenth day of the month following the end of each quarter for the fourth quarter of 2019 through the second quarter of 2020.
3. During a record review conducted on November 4, 2020, an investigator documented that Respondent:
 - a. Failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period;
 - b. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on January 27, 2015, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected, and did not provide public notification and submit a copy of the notification to the Executive Director regarding the failure to collect a raw groundwater source *Escherichia coli* sample during the month of January 2015; and
 - c. Failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring during the month of June 2015.
4. During a record review conducted on November 10, 2020, an investigator documented that Respondent:

- a. Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar years 2017 through 2019; and
 - b. Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2018 through 2020.
5. The Executive Director filed the “Executive Director’s First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MAPLE WATER SUPPLY CORPORATION” (the “EDFARP”) in the TCEQ Chief Clerk’s office on June 2, 2022.
 6. By letter dated June 2, 2022, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDFARP. According to the return receipt “green card,” Respondent received notice of the EDFARP on June 6, 2022, as evidenced by the signature on the card.
 7. More than 20 days have elapsed since Respondent received notice of the EDFARP. 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 AND SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 3.a., Respondent failed to collect lead and copper tap samples at the required five sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.vii.
4. As evidenced by Finding of Fact No. 3.b., Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected, and did not provide public notification and submit copy of the notification to the Executive Director regarding the failure to collect a raw groundwater source *Escherichia coli* sample, in violation of TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision Nos. 2.a.i. and 2.a.iv.
5. As evidenced by Finding of Fact No. 3.c., Respondent failed to provide public notification and submit a copy of the public notification to the Executive Director regarding the failure to conduct routine coliform monitoring, in violation of TCEQ Agreed Order Docket No. 2018-0017-PWS-E, Ordering Provision No. 2.a.iv.
6. As evidenced by Finding of Fact No. 4.a., Respondent failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar years 2017 through 2019, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.

7. As evidenced by Finding of Fact No. 4.b., Respondent failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2018 through 2020, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).
8. As evidenced by Findings of Fact Nos. 5 and 6, the Executive Director timely served Respondent with proper notice of the EDFARP, as required by TEX. HEALTH & SAFETY CODE § 341.049(a) and 30 TEX. ADMIN. CODE § 70.104(b)(1).
9. As evidenced by Finding of Fact No. 7, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049(a) and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) 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(a), 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 four thousand two hundred twenty-four dollars (\$4,224.00) 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(a).
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 four thousand two hundred twenty-four dollars (\$4,224.00) 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: MAPLE WATER SUPPLY CORPORATION; Docket No. 2020-1470-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 submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;

- ii. Collect at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from each groundwater source in use at the time the distribution coliform-positive samples were collected during the month of January 2015, in accordance with 30 TEX. ADMIN. CODE § 290.109;
 - iii. 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 and reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - v. Provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to conduct routine coliform monitoring during the month of June 2015 and regarding the failure to collect a raw groundwater source sample during the month of January 2015, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - vi. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 90090011 for fiscal years 2018 through 2020. The payment shall be submitted with the notation "MAPLE WATER SUPPLY CORPORATION, Account No. 90090011" to the following address:

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
 - vii. Submit payment for all outstanding regulatory assessment fees for the TCEQ Public Utility Account No. 11377 for calendar years 2017 through 2019. The payment, along with the associated Revenue and Regulatory Assessment Reports, shall be submitted to the address provided in Ordering Provision No. 3.vi., above; and
 - viii. 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.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a.i through 3.a.v;
 - c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each

quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711

- d. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.e. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.c; and
- e. Within 225 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.viii. The certification shall be signed by the 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:

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

and:

Drinking Water Special Functions Section Manager
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 Enforcement Division 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. 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 TAYLOR W. PEARSON

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's First Amended Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MAPLE WATER SUPPLY CORPORATION' (the "EDFARP") was filed in the TCEQ Chief Clerk's office on June 2, 2022.

The EDFARP was mailed to Respondent's last known address on June 2, 2022, via certified mail, return receipt requested, postage prepaid. According to the return receipt "green card," Respondent received notice of the EDFARP on June 6, 2022, as evidenced by the signature on the card.

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

"My name is Taylor Wayne Pearson 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 30th day of November 2022

A handwritten signature in blue ink that reads "Taylor Pearson".

Declarant