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

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

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:
 - 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;

EXECUTIVE SUMMARY - ENFORCEMENT MATTER - CASE No. 55511 MAPLE WATER SUPPLY CORPORATION RN101458156

Docket No. 2020-1470-PWS-E

- f. Submit payment for all outstanding fees, interest, and penalties for TCEO Financial Administration Account No. 90090011 for fiscal years 2018 through 2020;
- Submit payment for all outstanding regulatory assessment fees for the TCEQ Public g. Utility Account No. 11377 for calendar years 2017 through 2019; and
- Collect the required number of lead and copper tap samples, have the samples h. 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 June 6, 2022 Date(s) of Service:

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

TCEO Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575 TCEO Enforcement Coordinator: Samantha Duncan, Enforcement Division, (512) 239-2511

TCEO 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





Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES Assigned

DATES		23-Nov-2020		_			
	PCW	30-Nov-2020	Screening 30-Nov-2020	EPA Due	31-Dec-2020		
DECDO	NDENT/EACTLT	TV INCODMATI	TON.				
KESPU	NDENT/FACILI		SUPPLY CORPORATION				
Red	g. Ent. Ref. No.		SUPPLY CORPORATION				
	ty/Site Region			Major/M	inor Source	Minor	
. aciii	ty, one negion	Z Edbbock		110,01,11	mor source	111101	
CASE I	NFORMATION						
En	f./Case ID No.	55511		No. o	f Violations	3	
	Docket No.	2020-1470-PWS	S-E		Order Type	Findings	
Med	dia Program(s)		pply	Government			
	Multi-Media			Enf. (Samantha Dunc	
					EC's Team	Enforcement Te	am 2
Adı	min. Penalty \$ I	Limit Minimum	\$50 Maximum	\$5,000			
			Penalty Calcula	tion Section	n		
TOTA	I RASE DENA	ITV (Sum of	f violation base penal			Subtotal 1	\$1,750
IOIA	L DASE FERM	Lii (Sain oi	Violation base penan	iles)		Subtotal 1	Ψ1,750
ADJU:	STMENTS (+	/-) TO SUBT	OTAL 1				
	Subtotals 2-7 are of	otained by multiplyin	g the Total Base Penalty (Subtotal 1	l) by the indicated p	ercentage.		
	Compliance Hi	story	69.0%	Adjustment	Subto	tals 2, 3, & 7	\$1,207
		Enhancemen	t for two NOVs with the same	e/similar violatio	ns, seven		
	Notes	NOVs with diss	imilar violations, one agreed	order containing	g a denial of		
		liability,	and one agreed order withou	ut a denial of lial	oility.		
		•			•	<u> </u>	
	Culpability	No	0.0%	Enhancement		Subtotal 4	\$0
				1 1 1111			
	Notes	The Re	espondent does not meet the	culpability crite	rıa.		
	Good Faith Eff	ort to Comply 1	Total Adjustments			Subtotal 5	\$0
	Good Faith Ell	ore to compry	iotai Aujustinents				
	Economic Bend			Enhancement*		Subtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	45.	d at the Total EB \$ A	Amount		
	Estimated	Cost of Compliance	\$425				
SIIM (OF SUBTOTAL	S 1-7			E	inal Subtotal	\$2,957
3011	OI SODIOIA	L J 1-7			''	iliai Subtotai	Ψ2,337
OTHE	D FACTORS A	S HISTICE N	MAY REQUIRE	0.0%		Adjustment	\$0
	or enhances the Fina			0.0 70		Aujustment	
		,					
	Notes						
	•				Final Pen	alty Amount	\$2,957
						_	
STAT	UTORY LIMI1	T ADJUSTMEI	NT		Final Asses	ssed Penalty	\$2,957
						_	
DEFE	RRAL			0.0%	Reduction	Adjustment	\$0
Reduces	the Final Assessed Pe	enalty by the indicate	ed percentage.			·	
	Notes	No (deferral is recommended for	Findings Orders			
D 4 3 / 5	DI	·					
PAYA	BLE PENALTY						\$2,957

Docket No. 2020-1470-PWS-E

PCW

69%

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Respondent MAPLE WATER SUPPLY CORPORATION

Case ID No. 55511

Reg. Ent. Reference No. RN101458156

Media Public Water Supply

Enf. Coordinator Samantha Duncan

Compliance History Worksheet

C	Compliance History Worksheet		
Compliance Hist Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	7	14%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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 (number of events)	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 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
		NI -	00/
	Environmental management systems in place for one year or more Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No No	0%
Other	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 Per	centage (Sub	total 2)
Repeat Violator	(Subtotal 3)		
N/A	Adjustment Pero	centage (Sub	total 3)
		Jernage (Jus	
ompliance Hist	ory Person Classification (Subtotal 7)		_
N/A	Adjustment Per	centage (Sub	total 7)
Compliance Hist	ory Summary		
Compliance History Notes	Enhancement for two NOVs with the same/similar violations, seven NOVs with violations, one agreed order containing a denial of liability, and one agreed order of liability.		
nal Compliance	Total Compliance History Adjustment Percentage (S	Subtotals 2,	3, & 7) [
nar compliance	index, Adjustment		_

Final Adjustment Percentage *capped at 100%

	Screen	ing Date	30-Nov-2020		Doc	ket No. 2020-1470-PWS-E		PCW
		-	MAPLE WATER	SUPPLY COR	PORATION		Policy	Revision 4 (April 2014)
_		e ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Refere		RN101458156					
	F 6		Public Water Su					
		n Number	Samantha Dun	can l				
		n Number ıle Cite(s)	1					
	Ku	ile Cite(s)	TCEQ Agreed	Order Docket	t No. 2018-001	7-PWS-E, Ordering Provision No	. 2.a.vii	
						ples at the required five sample		
	Violation D	escription	have the samp	les analyzed,	and report the	results to the Executive Director er 31, 2017 monitoring period.	or for the	
			Janua	ii y 1, 2015 ti	irough Decemb	er 31, 2017 monitoring period.		
						Base	Penalty	\$5,000
								1 - 7
>> Env	vironmenta	il, Propei	rty and Hum	an Health Harm	Matrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential	Х			Percent 15.0%		
>>Pro	grammatic Fa	Matrix alsification	Major	Moderate	Minor			
	1	aisiricacion	riajoi	rioderate	Timor	Percent 0.0%		
	Matrix	Failure to c	collect lead and	conner tan es	amples could ex	spose perons served by the Faci	lity to	
	Notes					vels protective of human health.		
						Adjustment	\$4,250	
							, ,	
							L	\$750
Violatio	on Events							
		l	(:	_	1 -	7.45 November of violeties of	1	
	N	number of v	iolation Events	1	<u> </u>	Number of violation of	iays	
			daily		1			
			weekly					
			monthly					
			quarterly			Violation Base	Penalty	\$750
			semiannual					
			annual					
			single event	Х	1			
				One single	event is recom	mended.		
Good F	aith Effort	s to Com	ply	0.0%		R	eduction	\$0
			В	Before NOE/NOV	NOE/NOV to EDP	RP/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х	<u> </u>			
			Notes	The Respond	dent does not m	eet the good faith criteria for		
			Notes		this vi	olation.		
			L					
						Violation S	Subtotal	\$750
Econon	nic Benefit	(EB) for	this violation	on		Statutory Limit	Test	
			_		#27	-		¢1.200
		ESUMATE	ed EB Amount		\$37	Violation Final Penal	ty rotal	\$1,268
				This vio	lation Final As	sessed Penalty (adjusted for	r limits)	\$1,268

	E	conomic	Benefit	Wor	rksheet		
Pesnondent		SUPPLY CORPOR					
Case ID No.			0111011				
Reg. Ent. Reference No.							
							V
	Public Water S	ouppiy				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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
			•			nt to implement imp t to ensure that fut	
	,	•				l, and reported to t	
		•	,	, ,	, ,	ket No. 2018-0017-	
	Director, car	calacca from the v		_	of compliance.	NCC 1101 2010 0017	. W.S. E to the
Notes for DELAYED costs			Commune	a date	or compliance.		
	The second T	raining/Sampling	delayed cost in	cludes	the estimated amo	ount to collect and	have analyzed
			•			ples x one monitori	,
						18-0017-PWS-E to	J . , , ,
	carcarated in	on the enective a	ate of Telegrig	dat		,10 0017 1 110 1 10	the sercening
Aveided Costs	ANNIII	LITTE avaided as	acta bafaya aw			one-time avoide	d costs)
Avoided Costs Disposal	ANNUA	TITE AVOIDED CO	usts before en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$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		\$250			TOTAL		\$37

		ening Date	30-Nov-2020 MAPLE WATER			Ket No. 2020-1470-PWS-E	0.0	PCW
		ase ID No.		SUPPLI CORP	ORATION			Revision 4 (April 2014)
Peg			RN101458156				PCW Revis	sion September 1, 2019
Reg.	Liit. Keit		Public Water S					
	Enf C		Samantha Dur					
		tion Number		1				
	71014	Rule Cite(s)		<u> </u>				
		reare erre(s)	TCEQ Agreed	Order Docket	No. 2018-001 and 2.	7-PWS-E, Ordering Provision Nation a.iv	os. 2.a.i	
	Violation	Description	coliform-positi Escherichia co source in use and failed to Executive I	ve sample on a bli (or other ap at the time the provide public Director regard	January 27, 20 proved fecal ir e distribution c notification ar ding the failure	ication of the routine distribution of the routine distribution of the least one raw groundwated dicator) sample from each group oliform-positive samples were and submit copy of the notification to collect a raw groundwater sthe month of January 2015.	er source undwater collected, on to the	
		'				Base	Penalty	\$5,000
>> Env	/ironmer	ital. Propei	rty and Hum	nan Health	Matrix			
		, т. орсі	-, and man	Harm	- 10.01170			
		Release	Major	Moderate	Minor			
OR		Actual				D		
		Potential	Х			Percent 15.0%		
>>Pro	grammai	tic Matrix						
110	gramma	Falsification	Major	Moderate	Minor			
						Percent 0.0%		
	֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓֓							
	Matrix Notes			ity being expo		rovide public notification could cted contaminants which would n health.		
						Adjustment	\$4,250	
							Г	\$750
							L	ψ, 30
Violatio	on Event	s						
		Number of V	iolation Events	1		745 Number of violation	days	
			daily weekly monthly quarterly semiannual annual			Violation Base	· Penalty	\$750
			single event	X				
				One single	event is recom	mended.		
Good F	aith Effo	rts to Com	nlv	0.0%		F	Reduction	\$0
				Before NOE/NOV	NOE/NOV to EDP	RP/Settlement Offer		1.2
			Extraordinary					
			Ordinary					
			N/A	X				
			Notes	The Responde		neet the good faith criteria for iolation.		
						Violation	Subtotal	\$750
Econon	nic Bene	fit (EB) for	this violati	on		Statutory Limit	Test	
						Statutory Limit		
		Estimate	ed EB Amount		\$13	Violation Final Pena	Ity Total	\$1,268
		Estimate			<u> </u>		•	\$1,268 \$1,268

\$13

Economic Benefit Worksheet Respondent MAPLE WATER SUPPLY CORPORATION **Case ID No.** 55511 Reg. Ent. Reference No. RN101458156 Media Public Water Supply Years of **Percent Interest** Violation No. 2 Depreciation 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved EB Amount Item Description 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 16-Nov-2018 19-Oct-2021 19-Oct-2020 19-Oct-2021 Training/Sampling 2.93 \$4 n/a \$100 Training/Sampling 1.00 \$5 \$5 n/a **Permit Costs** 0.00 \$0 n/a \$0 16-Nov-2018 19-Oct-2021 Other (as needed) n/a 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 **Notes for DELAYED costs** 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. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 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 Notes for AVOIDED costs

\$150

Approx. Cost of Compliance

TOTAL

		ening Date				No. 2020-1470-PWS-E		PCW
				SUPPLY CORPO	RATION		Policy	Revision 4 (April 2014)
	C	ase ID No.	55511				PCW Revis	ion September 1, 2019
Reg.	Ent. Ref	erence No.	RN101458156					
_			Public Water S					
	Enf. C		Samantha Dur					
		tion Number		1				
		Rule Cite(s)		<u> </u>				
		ituic cite(s)	TCEQ Agreed	Order Docket N	o. 2018-0017-PV	WS-E, Ordering Provision No	o. 2.a.iv	
			Failed to prov	ide nublic notific	ration and submit	t a copy of the public notific	ation to	
	Violation	n Description				conduct routine coliform mo		
		coc p c	the Executive		ng the month of J			
					J			
						Page	Donalty	¢5 000
						base	Penalty	\$5,000
>> Fn:	vironme	ntal Prone	rty and Hum	nan Health M	latriy			
LII	VII OIIIIICI	iitai, Fiopei	ity and man	Harm	iatrix			
		Release	Major	Moderate	Minor			
OR		Actual						
		Potential				Percent 0.0%		
				<u> </u>		0.070		
>>Pro	gramma	tic Matrix						
	J	Falsification	Major	Moderate	Minor			
			Х			Percent 5.0%		
	, t			<u> </u>				
	Matrix		100	0% of the rule re	equirements were	e not met.		
	Notes			0 70 0. 0.10 10.0 1				
	l							
						Adiustment	\$4,750	
						Adjustment	\$4,750	
						Adjustment	\$4,750	\$250
						Adjustment	\$4,750	\$250
Violati	on Event	ts.				Adjustment	\$4,750	\$250
Violati	on Event							\$250
Violati	on Event		/iolation Events	1	74			\$250
Violati	on Event			1	74			\$250
Violati	on Event		daily	1	74			\$250
Violati	on Event		daily weekly	1	74			\$250
Violati	on Event		daily weekly monthly	1	74	Number of violation d	lays	
Violati	on Event		daily weekly monthly quarterly	1	74		lays	\$250 \$250
Violati	on Event		daily weekly monthly quarterly semiannual		74	Number of violation d	lays	
Violati	on Event		daily weekly monthly quarterly semiannual annual		74	Number of violation d	lays	
Violati	on Event		daily weekly monthly quarterly semiannual	1	74	Number of violation d	lays	
Violati	on Event		daily weekly monthly quarterly semiannual annual		74	Number of violation d	lays	
Violati	on Event		daily weekly monthly quarterly semiannual annual	X		Number of violation d Violation Base	lays	
Violati	on Event		daily weekly monthly quarterly semiannual annual	X	ent is recommen	Number of violation d Violation Base	lays	
Violati	on Event		daily weekly monthly quarterly semiannual annual	X		Number of violation d Violation Base	lays	
		Number of V	daily weekly monthly quarterly semiannual annual single event	x One single ev		Number of violation d Violation Base	lays Penalty	\$250
			daily weekly monthly quarterly semiannual annual single event	X One single ev	ent is recommen	Number of violation d Violation Base	lays	
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single ev 0.0% Before NOE/NOV N		Number of violation d Violation Base	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event	X One single ev 0.0% Before NOE/NOV N	ent is recommen	Number of violation d Violation Base	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	One single ev One single ev Before NOE/NOV N	ent is recommen	Number of violation d Violation Base	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event	One single ev One single ev Before NOE/NOV N	ent is recommen	Number of violation d Violation Base	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	X One single ev 0.0% Before NOE/NOV N X	ent is recommen	Violation Base ded. Resttlement Offer	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary	X One single ev 0.0% Before NOE/NOV N X	ent is recommen	Violation Base ded. Rettlement Offer the good faith criteria for	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	X One single ev 0.0% Before NOE/NOV N X	OE/NOV to EDPRP/Se	Violation Base ded. Rettlement Offer the good faith criteria for	lays Penalty	\$250
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	X One single ev 0.0% Before NOE/NOV N X	OE/NOV to EDPRP/Se	Violation Base ded. Rettlement Offer the good faith criteria for ion.	Penalty eduction	\$250 \$0
		Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	X One single ev 0.0% Before NOE/NOV N X	OE/NOV to EDPRP/Se	Violation Base ded. Rettlement Offer the good faith criteria for	Penalty eduction	\$250
Good F	Faith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A	X One single ev 0.0% Before NOE/NOV N X The Responden	OE/NOV to EDPRP/Se	Violation Base ded. Rettlement Offer the good faith criteria for ion.	Penalty eduction	\$250 \$0
Good F	Faith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single ev O.0% Before NOE/NOV N X The Responden	OE/NOV to EDPRP/Se	Violation Base Ided. Rettlement Offer the good faith criteria forion. Violation S Statutory Limit	Penalty eduction Gubtotal	\$250 \$0 \$250
Good F	Faith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single ev O.0% Before NOE/NOV N X The Responden	OE/NOV to EDPRP/Se	Violation Base ded. Rettlement Offer the good faith criteria for ion. Violation S	Penalty eduction Gubtotal	\$250 \$0
Good F	Faith Effo	Number of V	daily weekly monthly quarterly semiannual annual single event ply Extraordinary Ordinary N/A Notes	One single ev O.0% Before NOE/NOV N X The Responden	OE/NOV to EDPRP/Se of does not meet this violati	Violation Base Ided. Rettlement Offer the good faith criteria forion. Violation S Statutory Limit	Penalty eduction Test ty Total	\$250 \$0 \$250

	E/	conomic	Benefit	Wo	rksheet		
Respondent Case ID No. Reg. Ent. Reference No.	MAPLE WATER 55511	SUPPLY CORPOR			Romoci		
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs		1			T		
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0 #0	\$0 #0	<u>\$0</u>
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0	n/a	\$0 \$0
Training/Sampling				0.00	\$0	n/a	\$0 \$0
Remediation/Disposal				0.00	\$0	n/a	\$0 \$0
Permit Costs				0.00	\$0	n/a	\$0 \$0
Other (as needed)	\$25	16-Nov-2018	19-Oct-2021	2.93	\$4	n/a	\$4
Notes for DELAYED costs	The delayed of notification x accompanied	ost includes the e one notification) i with a signed Cer	Benefit Wor stimated amou s provided to p tificate of Deliv	ksheet nt to er ersons ery, is	of Violation No. 2. Insure that the deling Served by the Faci	rector is captured in equent public notificallity and a copy of the executive Director, covers to the estimate	cation (\$25 per ne notification,
				compli	ance.	vo E to the commun	
Avoided Costs	ANNUA	LIZE avoided co	osts before en	compli		one-time avoide	ed date of
Avoided Costs Disposal	ANNUA	ALIZE avoided co	osts before en	compli tering 0.00	item (except for	one-time avoide	ed date of d costs) \$0
	ANNU/	ALIZE avoided co	osts before en	compli tering	item (except for	one-time avoide	ed date of d costs)
Disposal Personnel	ANNU	ALIZE avoided co	osts before en	compli tering 0.00 0.00 0.00	\$0 \$0 \$0 \$0	*0	ed date of d costs) \$0 \$0 \$0
Disposal Personnel	ANNUA	ALIZE avoided co	osts before en	compli tering 0.00 0.00 0.00 0.00	item (except for \$0 \$0	**************************************	ed date of d costs) \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling	ANNUA	ALIZE avoided co	osts before en	compli tering 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	ed date of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel nspection/Reporting/Sampling Supplies/Equipment	ANNU	ALIZE avoided co	osts before en	complii tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	s0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance	ANNUA	ALIZE avoided co	osts before en	compli tering 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	ed date of d costs) \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/Equipment Financial Assurance ONE-TIME avoided costs	ANNU	ALIZE avoided co	osts before en	complii tering 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	**************************************	### description of the image of



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

MANUAL CONTRACTOR OF THE CONTR

DATES		2-Nov-2020		_			
	PCW	30-Nov-2020	Screening 10-Nov-2020	EPA Due	31-Dec-2020		
DECD	NIDENT /FACTIT	TV THEODMATT	CON				
RESPO	ONDENT/FACILI						
Do.	g. Ent. Ref. No.		SUPPLY CORPORATION				
	ity/Site Region			Major/M	linor Source Mind	or	
I acii	ity/ Site Region	Z-LUDDUCK		Plajoi / P	illoi Source illino	JI	
CASE	INFORMATION						
	nf./Case ID No.	55511		No. o	of Violations 3		
		2020-1470-PWS	i-E		Order Type Find	lings	
Me	dia Program(s)	Public Water Sup	pply	Government	:/Non-Profit Yes		
	Multi-Media			Enf.	Coordinator Sam	nantha Duncar	1
		_			EC's Team Enfo	rcement Tean	n 2
Ad	min. Penalty \$ I	imit Minimum	\$50 Maximum	\$5,000			
			Penalty Calcula	ation Section	on		
TOTA	I RASE DENA	ITV (Sum of	violation base pena			ubtotal 1	\$750
1017	L DASE I LIVA	LII (Suiii Gi	violation base pena	itics	St	ibtotai I	4750
ADJU	ISTMENTS (+	/-) TO SUBT	OTAL 1				
	Subtotals 2-7 are of	tained by multiplying	g the Total Base Penalty (Subtotal				
	Compliance Hi	story	69.0%	Adjustment	Subtotals	2, 3, & 7	\$517
		Enhancement	t for two NOVs with the sar	ne/similar violation	ons, seven		
	Notes	NOVs with dissi	imilar violations, one agree	d order containin	g a denial of		
		liability,	and one agreed order with	out a denial of lia	bility.		
			-		•		
	Culpability	No	0.0%	Enhancement	Sı	ubtotal 4	\$0
		_, _					
	Notes	The Re	espondent does not meet th	e culpability crite	eria.		
	Good Faith Eff	ort to Comply T	otal Adjustments		Sı	ubtotal 5	\$0
		ore to compry .	otal rajustiliones		-		40
	Economic Bene			Enhancement*		ubtotal 6	\$0
	Estimated	Total EB Amounts Cost of Compliance	\$75 *Capp \$212	ed at the Total EB \$	Amount		
	25	out of compilation	\$212				
SUM	OF SUBTOTAL	LS 1-7			Final	Subtotal	\$1,267
	0. 002.0				2 111641		. ,
OTHE	R FACTORS A	AS JUSTICE M	1AY REQUIRE	0.0%	Adi	iustment	\$0
	or enhances the Fina						•
	Notes						
					Final Penalty	Amount	\$1,267
							+4.54
SIAI	UTORY LIMIT	ADJUSTME	N I		Final Assessed	Penalty	\$1,267
DEFE	'DDAI			0.00/			+0
	RRAL	unaltur bur tha indianta	d novembres	0.0%	Reduction Adj	iustment	\$0
Reduces	the Final Assessed Pe	maily by the indicate	u percentage.				
	Notes	No.	deferral is recommended fo	r Findings Orders	,		
	NULES	140 (delettal is recommended to	r manigs orders			
PAVA	BLE PENALTY	/					\$1,267
FAIF	DLL FLIME!						Ψ±,207

Screening Date 10-Nov-2020

Docket No. 2020-1470-PWS-E

PCW

Policy Revision 4 (April 2014) PCW Revision September 1, 2019

Respondent MAPLE WATER SUPPLY CORPORATION **Case ID No.** 55511

Reg. Ent. Reference No. RN101458156

Media Public Water Supply

Enf. Coordinator Samantha Duncan

		Compliance History Worksheet			
>> Co	mpliance Histo Component	ory <i>Site</i> Enhancement (Subtotal 2) Number of	Number	Adjust.	
	NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%	
		Other written NOVs	7	14%	
		Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%	
	Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%	
	Decrees	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 (number of counts)	0	0%	
	Emissions	Chronic excessive emissions events (number of events)	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 (number of audits for which notices were submitted)	0	0%	
	Addies	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%	
		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%	
	Other	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 Per	centage (Sub	total 2)	69%
>> Re	peat Violator ((Subtotal 3)			
	N/A	Adjustment Per	centage (Sub	total 3)	0%
>> Co	mpliance Histo	ory Person Classification (Subtotal 7)			
	N/A	Adjustment Per	centage (Sub	total 7)	0%
>> Co	mpliance Histo	ory Summary			
	Compliance History Notes	Enhancement for two NOVs with the same/similar violations, seven NOVs with violations, one agreed order containing a denial of liability, and one agreed order of liability.			
		Total Compliance History Adjustment Percentage (S	Subtotals 2,	<i>3, & 7)</i> [69%
>> Fina	l Compliance	History Adjustment	200 ********	-+ 1000/ T	600/
		Final Adjustment Percenta	ay e *capped a	at 100%	69%

		ening Date				ket No. 2020-1470-PWS-E		PCW
			MAPLE WATER	SUPPLY CORP	ORATION		Policy	Revision 4 (April 2014)
_		ase ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Ref		RN101458156					
	F., £ 6		Public Water Su					
		oorginator ition Number	Samantha Dun	can l				
	VIOI		1					
		Rule Cite(s)		30 Tex. Admi	n. Code § 29	0.110(e)(4)(A) and (f)(3)		
						arterly Operating Report ("DL		
	Violatio	n Description	the Executive	Director by the	ne tenth day	of the month following the en	d of each	
			quarter for	the fourth qua	arter of 2019	through the second quarter of	f 2020.	
						Pac	e Penalty	\$5,000
						Ваз	se Penaity	\$5,000
>> Env	vironme	ntal, Propei	ty and Hum	an Health	Matrix			
				Harm				
OR		Release Actual	Major	Moderate	Minor			
OK		Potential				Percent 0.0%	Ī	
		rocerreiar				0.070	1	
>>Pro	gramma	tic Matrix						
		Falsification	Major	Moderate	Minor		7	
			Х			Percent 5.0%		
	Matrix		100	% of the rule	roquiromonto	s were not met.		
	Notes		100	70 Of the fule	equilements	s were not met.		
						Adjustment	\$4,750	
							Г	+250
								\$250
Violati	on Even	ts						
					-			
		Number of V	iolation Events	3		Number of violation	n days	
			daily					
			weekly					
			monthly					
			quarterly			Violation Bas	e Penalty	\$750
			semiannual				_	
			annual					
			single event	X				
			Т	Three single ev	ents are rec	ommended.		
C 1 F	-:+L FEE.			0.00/			5	¢0
G000 F	aith Eff	orts to Com		0.0% Before NOE/NOV	NOF/NOV to FD	PRP/Settlement Offer	Reduction	\$0
			Extraordinary	Clore NOL/NOV	1102/1101 to 22	THE STEEL STEEL		
			Ordinary					
			N/A	Х				
				The Despens	lant door not	t most the good faith critoria		
			Notes	The Respond		t meet the good faith criteria s violation.		
						Violation	ո Subtotal	\$750
		CL (TD)	11.2. 1.1.1					. . 30
Econor	nic Rene	etit (EB) for	this violation	DΠ		Statutory Limi	tiest	
		Estimate	ed EB Amount		\$75	Violation Final Pen	alty Total	\$1,268
				This violat	ion Final As	ssessed Penalty (adjusted	for limits)	\$1,268
								7=,=30

	E	conomic	Benefit	Wo	rksheet		
Respondent		SUPPLY CORPOR					
Case ID No.			0111011				
Reg. Ent. Reference No.							
	Public Water S	Supply				Percent Interest	Years of
Violation No.	1						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
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
						e the estimated amo	
Notes for DELAYED costs	the Facilty's o	perational guidan	ce and conduct	employ	ee training to ens	ure that all DLQORs	are submitted
Notes for DELAYED Costs	to the TC	EQ in a timely ma	anner, calculate	d from	the record review	date to the estimat	ed date of
				compli	ance.		
Avoided Costs	ANNUA	LIZE avoided c	osts before en	tering	item (except for	one-time avoide	d 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
	The avoider	d cost includes th	e estimated am	ount to	nrenare and cubn	nit a DLQOR [(\$22 g	oer DLOOR v
Notes for AVOIDED costs					•	ue date of the earlie	-
Notes for Avoided costs						o the screening date	
		beriou], calculated	a moniture date	tile ids	t report was due t	o the screening date	J .
,							4
Approx. Cost of Compliance		\$212			TOTAL		\$75

	Screening Date				No. 2020-1470-PWS-E		PCW
	Respondent	MAPLE WATER	SUPPLY CORP	ORATION		Policy Revis	sion 4 (April 2014)
	Case ID No.					PCW Revision S	September 1, 2019
Reg.	Ent. Reference No.	RN101458156					
		Public Water Su					
	Enf. Coordinator		can				
	Violation Number						
	Rule Cite(s)	30	Tex. Admin. C	Code § 291.76 and	Γex. Water Code § 5.702		
					r the TCEQ Public Utility Acc		
	Violation Description	regarding Cei	tificate of Cor		essity No. 11377 for calenda	ar years	
				2017 through 2	019.		
					_		
					Base	Penalty	\$5,000
>> En:	vironmental, Prope	rty and Hum	an Haalth	Matrix			
LII	vironinientai, Prope	ity and muni	Harm	Matrix			
	Release	Major	Moderate	Minor			
OR	Actua						
	Potentia				Percent 0.0%		
>>Pro	grammatic Matrix						
	Falsification	Major	Moderate	Minor	B		
					Percent 0.0%		
	Matrix						
	Notes						
					Adjustment	\$5,000	
					, rajasement	43,000	
							\$0
Violati	on Events						
Violati		Violation Events			Number of violation of	lave	
Violati		Violation Events			Number of violation o	lays	
Violati		_			Number of violation o	days	
Violati		daily			Number of violation o	days	
Violati		_			Number of violation o	days	
Violati		daily weekly			Number of violation of violation of violation of violation Base		\$0
Violati		daily weekly monthly					\$0
Violati		daily weekly monthly quarterly semiannual annual					\$0
Violati		daily weekly monthly quarterly semiannual					\$0
Violati		daily weekly monthly quarterly semiannual annual					\$0
Violati	Number of	daily weekly monthly quarterly semiannual annual single event		ed by the Financial		Penalty	\$0
Violati	Number of	daily weekly monthly quarterly semiannual annual single event	l be determine	ed by the Financial billing cycle.	Violation Base	Penalty	\$0
Violati	Number of	daily weekly monthly quarterly semiannual annual single event	l be determine		Violation Base	Penalty	\$0
	Number of	daily weekly monthly quarterly semiannual annual single event	l be determine		Violation Base Administration Division at t	Penalty	\$0
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	l be determine		Violation Base Administration Division at t	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	l be determine	billing cycle.	Violation Base Administration Division at t	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	l be determine	billing cycle.	Violation Base Administration Division at t	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	l be determine 0.0% Before NOE/NOV	billing cycle.	Violation Base Administration Division at t	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	D.0% Sefore NOE/NOV	billing cycle. NOE/NOV to EDPRP/Se	Violation Base Administration Division at t ettlement Offer	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil	D.0% Sefore NOE/NOV	NOE/NOV to EDPRP/Se	Violation Base Administration Division at tettlement Offer the good faith criteria for	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil extraordinary Ordinary N/A	D.0% Sefore NOE/NOV	billing cycle. NOE/NOV to EDPRP/Se	Violation Base Administration Division at tettlement Offer the good faith criteria for	Penalty the next	
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil extraordinary Ordinary N/A	D.0% Sefore NOE/NOV	NOE/NOV to EDPRP/Se	Administration Division at to the good faith criteria for on.	Penalty The next	\$0
	Number of	daily weekly monthly quarterly semiannual annual single event and interest wil extraordinary Ordinary N/A	D.0% Sefore NOE/NOV	NOE/NOV to EDPRP/Se	Violation Base Administration Division at tettlement Offer the good faith criteria for	Penalty The next	
Good F	All penalties	daily weekly monthly quarterly semiannual annual single event and interest wil Extraordinary Ordinary N/A Notes	0.0% Sefore NOE/NOV X The Respond	NOE/NOV to EDPRP/Se	Administration Division at to the good faith criteria for on.	Penalty the next Reduction	\$0
Good F	All penalties Faith Efforts to Com	daily weekly monthly quarterly semiannual annual single event and interest wil Extraordinary Ordinary N/A Notes	0.0% Sefore NOE/NOV X The Respond	NOE/NOV to EDPRP/Seent does not meet this violati	Administration Division at to extlement Offer the good faith criteria for on. Violation Statutory Limit	Penalty The next Reduction Subtotal	\$0
Good F	All penalties Faith Efforts to Com	daily weekly monthly quarterly semiannual annual single event and interest wil Extraordinary Ordinary N/A Notes	0.0% Sefore NOE/NOV X The Respond	NOE/NOV to EDPRP/Se	Administration Division at to the good faith criteria for on.	Penalty The next Reduction Subtotal	\$0
Good F	All penalties Faith Efforts to Com	daily weekly monthly quarterly semiannual annual single event and interest wil Extraordinary Ordinary N/A Notes	0.0% Defore NOE/NOV X The Respond	NOE/NOV to EDPRP/See ent does not meet this violati	Administration Division at to extlement Offer the good faith criteria for on. Violation Statutory Limit	Penalty the next deduction Subtotal Test Ity Total	\$0

			D 6"+	14/			
		conomic		WO	rksneet		
Respondent	MAPLE WATER	R SUPPLY CORPOR	ATION				
Case ID No.	55511						
Reg. Ent. Reference No.	RN101458156						
Media	Public Water 9					Percent Interest	Years of
Violation No.	2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs							
Avoided Costs	ANNUA	ALIZE avoided co	osts before er				-
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)		<u> </u>		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	Policy Revision 4 (April 2014)
	Case ID No.		PCW Revision September 1, 2019
Reg.	Ent. Reference No.		
		Public Water Supply	
	Enf. Coordinator		
	Violation Number	3	
	Rule Cite(s)	30 Tex. Admin. Code \S 290.51(a)(6) and Tex. Water	er Code § 5.702
		Failed to see and one of the limited for the face and for any	acceptated late force for
	Violation Description	Failed to pay annual Public Health Service fees and/or any TCEQ Financial Administration Account No. 90090011 for Fi	
	Violation Description	2020.	scar rears 2010 through
			Base Penalty \$5,000
F		des and House of Haalth Matella	
>> Env	ironmentai, Prope	ty and Human Health Matrix Harm	
	Release	Major Moderate Minor	
OR	Actual		
	Potential	Perce	ent 0.0%
>>Pro	grammatic Matrix Falsification	Major Modorato Minor	
	Faisilication	Major Moderate Minor Perce	ent 0.0%
			0.070
	Matrix		
	Notes		
		Adjustme	ent \$5,000
			\$0
Violatio	on Events		
	Number of \	iolation Events Numb	er of violation days
	raniber or t	Total Control	er or violation days
		daily	
		weekly	
		monthly	
			Violation Base Penalty \$0
		semiannual	
		annual cingle event	
		single event	
	All penalties	and interest will be determined by the Financial Administrat billing cycle.	ion Division at the next
		billing cycle.	
C F	-:+b	-1	5 1 11
Good F	aith Efforts to Com	Ply 0.0% Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer	Reduction \$0
		Extraordinary Extraordinary	
		Ordinary	
		Ordinary N/A x	
		N/A x	
		N/A x The Respondent does not meet the good fai	th criteria for
		N/A X The Respondent does not meet the good fai	th criteria for
		N/A x The Respondent does not meet the good fai	
		N/A x The Respondent does not meet the good fai	th criteria for Violation Subtotal \$0
Econon	nic Benefit (EB) for	N/A x The Respondent does not meet the good fai this violation.	
Econon		N/A x Notes The Respondent does not meet the good fai this violation. Stat	Violation Subtotal \$0 utory Limit Test
Econon		N/A x Notes The Respondent does not meet the good fai this violation. Stat	Violation Subtotal \$0

	E	conomic	Benefit	Wo	rksheet		
Respondent	MAPLE WATER	SUPPLY CORPOR	ATION				
Case ID No.							
Reg. Ent. Reference No.		:					
	Public Water S	supply				Percent Interest	Years of
Violation No.	3						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Item Description							
Delayed Costs							
Equipment		1		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	ANNUA	LIZE avoided co	osts before en	tering	item (except for	r one-time avoide	d 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

To request a more accessible version of this report, please contact the TCEO 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, CN600675300, Maple Water Supply

or Owner/Operator: Corporation

Regulated Entity: RN101458156, MAPLE WSC

Classification: NOT APPLICABLE

Classification: NOT APPLICABLE

Rating: N/A

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 TCEO 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)

Item 2 August 09, 2018 (1505350)

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)(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)

40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)

Description: 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: DLOOR MR 202020 - 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MAPLE WATER SUPPLY CORPORATION;	§	
RN101458156	§	ENVIRONMENTAL QUALITY

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

On	, the Texas Commission on Environmental Quality ("Commission" or
"TCEQ") considered	I the Executive Director's First Amended Report and Petition, filed pursuant to
TEX. HEALTH AND SAF	ETY CODE ch. 341, TEX. WATER CODE ch. 5, the rules of the TCEQ, which requests
appropriate relief, i	ncluding the imposition of an administrative penalty and corrective action of
the respondent. Th	e respondent made the subject of this Order is MAPLE WATER SUPPLY
CORPORATION ("R	espondent").

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

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- 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 ENVIRONMENTA	L 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 <u>Travis</u> County,

State of Texas,
on the <u>30th</u> day of <u>November</u> 2022

Declarant