

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

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

**Type of Operation:**  
public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions: Yes, 2020-0212-PWS-E  
Past-Due Penalties: None  
Past-Due Fees: \$220.85 (90350014); \$37.42 (89913206)  
Other: None  
Interested Third Parties: None

**Texas Register Publication Date:** April 29, 2022

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$6,280  
**Total Paid to General Revenue:** \$0  
**Total Due to General Revenue:** \$6,280

**Compliance History Classifications:**

Person/CN – Not Applicable  
Site/RN – Not Applicable

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

**Complaint Date(s):** N/A

**Date(s) of Investigation:** March 2, 2021, and March 15, 2021

**Date(s) of NOV(s):** See Compliance History - 11 related NOVs

**Date(s) of NOE(s):** March 25, 2021, and March 26, 2021

**Skywater Water Supply Corporation**

RN106855067

Docket No. 2021-0467-PWS-E

**Violation Information**

1. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director for each month by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and TCEQ Agreed Order Docket No. 2018-0425-PWS-E, Ordering Provision No. 2.c.].
2. Failed to provide public notification and submit to the Executive Director a copy of the public notification accompanied with a signed Certificate of Delivery [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
3. Failed to submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019 [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76].

**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 self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;
  - b. Provide public notification and submit a copy of each public notification accompanied with a signed Certificate of Delivery, to the Executive Director regarding;
    - i. The failure to collect a raw groundwater source sample during the month of October 2019;
    - ii. The failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2019;
    - iii. The failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period; and
    - iv. The failure to conduct water quality parameter sampling at each of the Facility’s entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period; and
  - c. Submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019.
2. Within 90 days, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter.
3. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirements Nos. 1.a. and 1.b.; and
  - b. Within 195 days for Technical Requirement No. 2.

**Litigation Information**

**Date Petition(s) Filed:** September 30, 2021  
**Date Green Card(s) Signed:** October 4, 2021  
**Date Answer(s) Filed:** N/A

**Contact Information**

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

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# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	29-Mar-2021	<b>Screening</b>	5-Apr-2021	<b>EPA Due</b>	31-Dec-2020
	<b>PCW</b>	6-Apr-2021				

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

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	55908	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-0467-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 8
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$4,000
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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.

<b>Compliance History</b>	57.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,280
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Notes: Enhancement for five NOV's with the same/similar violations, six NOV's with dissimilar violations, and one agreed order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$111	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$333	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$6,280
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$6,280
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$6,280
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$6,280
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**Screening Date** 5-Apr-2021

**Docket No.** 2021-0467-PWS-E

**PCW**

**Respondent** Skywater Water Supply Corporation

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 55908

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN106855067

**Media** Public Water Supply

**Enf. Coordinator** Samantha Salas

### Compliance History Worksheet

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgments or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 57%

**>> Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

**>> Compliance History Person Classification (Subtotal 7)**

Unclassified

**Adjustment Percentage (Subtotal 7)** 0%

**>> Compliance History Summary**

**Compliance History Notes**

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

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 57%

**>> Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 57%

Screening Date 5-Apr-2021

Docket No. 2021-0467-PWS-E

PCW

Respondent Skywater Water Supply Corporation

Policy Revision 5 (January 28, 2021)

Case ID No. 55908

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN106855067

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and TCEQ Agreed Order Docket No. 2018-0425-PWS-E, Ordering Provision No. 2.c

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

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 4 Number of violation days 741

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$2,000

Four single events are recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$2,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$100

Violation Final Penalty Total \$3,140

This violation Final Assessed Penalty (adjusted for limits) \$3,140

## Economic Benefit Worksheet

**Respondent** Skywater Water Supply Corporation  
**Case ID No.** 55908  
**Reg. Ent. Reference No.** RN106855067  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	15-Mar-2021	31-Mar-2022	1.04	\$2	n/a	\$2
Training/Sampling	\$100	15-Mar-2021	31-Mar-2022	1.04	\$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 cost includes the estimated amounts 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 date of the record review 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	\$88	10-Jan-2020	5-Apr-2021	1.24	\$5	\$88	\$93
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 four reports), calculated from the date the earliest report was due to the date of screening.

Approx. Cost of Compliance

\$233

**TOTAL**

\$100



**Screening Date** 5-Apr-2021 **Docket No.** 2021-0467-PWS-E **PCW**  
**Respondent** Skywater Water Supply Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 55908 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN106855067  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Salas

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)

**Violation Description**

Failed to provide public notification and submit to the Executive Director a copy of the public notification accompanied with a signed Certificate of Delivery. Specifically, Respondent did not provide public notifications, copies thereof, nor signed Certificates of Delivery for: (1) the failure to collect a raw groundwater source sample during the month of October 2019; (2) the failure to timely submit a DLQOR to the Executive Director for the second quarter of 2019; (3) the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period; and (4) the failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period.

**Base Penalty** \$5,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10.0%

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

**Adjustment** \$4,500

\$500

**Violation Events**

Number of Violation Events: 4      512 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$2,000

Four single events are recommended, one for each notification.

**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** \$2,000

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

**Estimated EB Amount** \$11      **Violation Final Penalty Total** \$3,140

**This violation Final Assessed Penalty (adjusted for limits)** \$3,140

## Economic Benefit Worksheet

**Respondent** Skywater Water Supply Corporation  
**Case ID No.** 55908  
**Reg. Ent. Reference No.** RN106855067  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$100	10-Nov-2019	30-Jan-2022	2.22	\$11	n/a	\$11

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x four notifications) are provided to persons served by the Facility and a copy of each public notification, accompanied with a signed Certificate of Delivery, is provided to the Executive Director, calculated from the due date of the earliest public notification 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 \$100

**TOTAL** \$11

**Screening Date** 5-Apr-2021 **Docket No.** 2021-0467-PWS-E **PCW**  
**Respondent** Skywater Water Supply Corporation *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 55908 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN106855067  
**Media** Public Water Supply  
**Enf. Coordinator** Samantha Salas

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 291.76 and Tex. Water Code § 5.702

**Violation Description** Failed to submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019.

**Base Penalty**

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

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

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0.0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

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

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text"/>	<input type="text"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Skywater Water Supply Corporation  
**Case ID No.** 55908  
**Reg. Ent. Reference No.** RN106855067  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

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

Approx. Cost of Compliance \$0

**TOTAL** \$0



# Compliance History Report

Compliance History Report for CN603834268, RN106855067, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

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

**Regulated Entity:** RN106855067, SKYWATER WSC  
**Classification:** NOT APPLICABLE **Rating:** N/A

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

**CH Group:** 14 - Other

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

**TCEQ Region:** REGION 01 - AMARILLO

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

**Compliance History Period:** September 01, 2016 to August 31, 2021 **Rating Year:** 2021 **Rating Date:** 09/01/2021

**Date Compliance History Report Prepared:** September 30, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 30, 2016 to September 30, 2021

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

**Name:** Samantha Salas **Phone:** (512) 239-1543

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 03/26/2019 ADMINORDER 2018-0425-PWS-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 2Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)
- Description: DLQOR MR 3Q2017 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the third quarter of 2017 within the required timeline.
- Classification: Minor
- Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter E 290.51(a)(6)
- Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90350014 for Fiscal Year 2017.
- Classification: Minor
- Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 291, SubChapter D 291.76
- Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar year 2017.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1 April 22, 2019 (1556217)

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

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

- 1 Date: 09/30/2020 (1706461)  
 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 2nd quarter of 2020 within the required timeline.
- 2 Date: 10/09/2020 (1706461)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: LCR RT MR PN 1st 6M2019 - 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 follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2019 to 06/30/2019.
- 3 Date: 11/02/2020 (1706461)  
 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 09/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 4 Date: 11/06/2020 (1706461)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: DLQOR MR PN 2Q2019 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 2nd quarter of 2019.
- 5 Date: 11/30/2020 (1706461)  
 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 10/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 6 Date: 12/17/2020 (1706461)  
 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 3Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the 3rd quarter of 2020 within the required timeline.
- 7 Date: 01/07/2021 (1706461)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)  
Description: NOV/2019 RTCR 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 11/2019.
- 8 Date: 01/12/2021 (1706461)  
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 11/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 9 Date: 01/25/2021 (1706461)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(a)  
40 CFR Chapter 141, SubChapter D, PT 141, SubPT Q 141.201(c)(3)  
Description: DEC/2019 RTCR 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 12/2019.
- 10 Date: 01/27/2021 (1706461)  
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 12/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 11 Date: 03/16/2021 (1706461)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: OCT/2019 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 10/2019.

**F. Environmental audits:**

N/A

**G. Type of environmental management systems (EMSs):**

N/A

**H. Voluntary on-site compliance assessment dates:**

N/A

**I. Participation in a voluntary pollution reduction program:**

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



# Texas Commission on Environmental Quality



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
SKYWATER WATER SUPPLY  
CORPORATION;  
RN106855067**

**§  
§  
§  
§  
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§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2021-0467-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Skywater Water Supply Corporation (“Respondent”).

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

### **FINDINGS OF FACT**

1. Respondent owns and operates a public water system (“PWS”) located at 140 Busby Road near Hereford, Castro County, Texas (the “Facility”).<sup>1</sup> The Facility provides water for human consumption, has approximately 55 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE § 290.38(71).
2. During record review investigations conducted on and around March 2, 2021, and March 15, 2021, TCEQ staff documented that Respondent:
  - a. Failed to submit a Disinfectant Level Quarterly Operating Report (“DLQOR”) to the Executive Director for each month by the tenth day of the month following the end of the quarter for the fourth quarter of 2019 through the third quarter of 2020;
  - b. Failed to provide public notification and submit to the Executive Director a copy of the public notification accompanied with a signed Certificate of Delivery. Specifically, Respondent did not provide public notifications, copies thereof, nor signed Certificates of Delivery for: (1) the failure to collect a raw groundwater source sample during the month of October 2019; (2) the failure to timely submit a DLQOR to the Executive Director for the second quarter of 2019; (3) the failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period; and (4) the failure to conduct water quality parameter sampling at each of the Facility’s entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period; and
  - c. Failed to submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019.

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

3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Skywater Water Supply Corporation” (the “EDPRP”) in the TCEQ Chief Clerk’s office on September 30, 2021.
4. By letter dated September 30, 2021, sent to Respondent's last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt “green card,” Respondent received notice of the EDPRP on October 4, 2021, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit a DLQOR to the Executive Director for each month by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and TCEQ Agreed Order Docket No. 2018-0425-PWS-E, Ordering Provision No. 2.c.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notification and submit to the Executive Director a copy of the public notification accompanied with a signed Certificate of Delivery, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 291.76.
5. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(b)(1).
6. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the TCEQ’s jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of six thousand two hundred eighty dollars (\$6,280.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of six thousand two hundred eighty dollars (\$6,280.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to the TCEQ and shall be sent with the notation "Re: Skywater Water Supply Corporation; Docket No. 2021-0467-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 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. Provide public notification and submit a copy of each public notification accompanied with a signed Certificate of Delivery, to the Executive Director in accordance with 30 TEX. ADMIN. CODE § 290.122, regarding:
      - A. The failure to collect a raw groundwater source sample during the month of October 2019;
      - B. The failure to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter for the second quarter of 2019;
      - C. The failure to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2019 through June 30, 2019 monitoring period; and
      - D. The failure to conduct water quality parameter sampling at each of the Facility's entry points and the required distribution sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2018 through December 31, 2018 monitoring period; and
    - iii. Submit Regulatory Assessment Reporting information for the TCEQ Public Utility Account concerning Certificate of Convenience and Necessity No. 13206 for calendar years 2017 through 2019. The information shall be sent to:
      - Regulatory Assessment Coordinator
      - Drinking Water Inventory & Protection Team, MC-155
      - Texas Commission on Environmental Quality
      - P.O. Box 13087
      - Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.
- 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. This 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 78711-3087

- d. Within 195 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, and shall include the following certification language:

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

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

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

and:

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

- 4. All relief not expressly granted in this Order is denied.
- 5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
- 6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what

constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Order Compliance Team at the address listed above.

7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines Respondent has not complied with one or more of the terms or conditions in this Order.
8. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
9. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
10. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

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Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF JESS ROBINSON

“On behalf of the Executive Director of the Texas Commission on Environmental Quality, the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Skywater Water Supply Corporation” (the “EDPRP”) was filed in the TCEQ Chief Clerk’s office on September 30, 2021.

The EDPRP was mailed to Respondent's last known address on September 30, 2021, via certified mail, return receipt requested, postage prepaid. According to the return receipt “green card,” Respondent received notice of the EDPRP on October 4, 2021, as evidenced by the signature on the card.

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

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

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

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

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Declarant