

Executive Summary – Enforcement Matter – Case No. 60692
PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
RN101179703
Docket No. 2021-0614-MLM-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

Media:

MLM - PWS, WR

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

Petty WSC, located one block east of Farm-to-Market Road 137, 0.05 mile from the intersection of County Road 26712 and Farm-to-Market Road 1509, Petty, Lamar County

Type of Operation:

Public water supply

Other Significant Matters:

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

Texas Register Publication Date: December 10, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$3,222

Total Paid to General Revenue: \$122

Total Due to General Revenue: \$3,100

Payment Plan: 31 payments of \$100 each

Compliance History Classifications:

Person/CN - Satisfactory

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: \$17

Applicable Penalty Policy: January 2021

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: March 30, 2021

Date(s) of NOE(s): April 23, 2021

Executive Summary – Enforcement Matter – Case No. 60692
PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
RN101179703
Docket No. 2021-0614-MLM-E

Violation Information

1. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director ("ED") upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(vi), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(v), (f)(3)(D)(i), and (f)(3)(E)(iv)].
2. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements [30 TEX. ADMIN. CODE § 290.121(a) and (b)].
3. Failed to create a nitrification action plan for all systems distributing chloraminated water [30 TEX. ADMIN. CODE § 290.46(z)].
4. Failed to flush all dead-end mains at monthly intervals [30 TEX. ADMIN. CODE § 290.46(l)].
5. Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted [30 TEX. ADMIN. CODE § 290.46(i)].
6. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
7. Failed to make a water purchase contract available to the ED in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated [30 TEX. ADMIN. CODE § 290.45(f)(1)].
8. Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier [30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On May 20, 2021, the Respondent provided a water purchase contract to the ED.
- b. On May 24, 2021, the Respondent:

Executive Summary – Enforcement Matter – Case No. 60692
PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
RN101179703
Docket No. 2021-0614-MLM-E

- i. Provided documentation to the ED showing they began flushing all dead-end mains at monthly intervals;
- ii. Provided a chemical and microbiological monitoring plan to the ED; and
- iii. Provided a drought contingency plan to the ED.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent complaint investigation, the maintenance records for water system equipment and facilities, copies of any public notice issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, the records of backflow prevention device programs, the results of microbiological analyses, and copies of the Customer Service Inspection reports;

ii. Create a nitrification action plan; and

iii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

b. Within 45 days, submit written certification to demonstrate compliance with a.

c. Within 90 days, adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

d. Within 105 days, submit written certification to demonstrate compliance with c.

Executive Summary – Enforcement Matter – Case No. 60692
PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
RN101179703
Docket No. 2021-0614-MLM-E

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Samantha Salas, Enforcement Division,
Enforcement Team 8, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division,
MC 219, (512) 239-2548

Respondent: Wiley H. Hokett, President, PETTY WATER SUPPLY AND SEWER
SERVICE CORPORATION, P.O. Box 22, Petty, Texas 75470

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned PCW	19-Apr-2021	Screening	30-Apr-2021	EPA Due	
		6-May-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Reg. Ent. Ref. No.	RN101179703
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60692	No. of Violations	3
Docket No.	2021-0614-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media	Water Rights	Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$225
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	35.0% Adjustment	Subtotals 2, 3, & 7	\$78
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Notes: Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$10
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$94
Estimated Cost of Compliance	\$480

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$293
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$293
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$310
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$310
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Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 30-Apr-2021 **Docket No.** 2021-0614-MLM-E **PCW**
Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 60692 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(vi), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(v), (f)(3)(D)(i), and (f)(3)(E)(iv)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of the amount of water distributed each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent complaint investigation, the maintenance records for water system equipment and facilities, copies of any public notice issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, the records of backflow prevention device programs, the results of microbiological analyses, and copies of the Customer Service Inspection reports were not maintained on-site for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
			x		2.5%

Matrix Notes Between 30% to 70% of the rule requirements were not met.

Adjustment \$975

\$25

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$25

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$25

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$25 Violation Final Penalty Total \$34
This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
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	\$120	28-Nov-2017	24-Feb-2022	4.24	\$25	n/a	\$25
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation initially documenting the violation 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
 (This section is currently blank)

Approx. Cost of Compliance \$120

TOTAL \$25

Screening Date 30-Apr-2021 **Docket No.** 2021-0614-MLM-E **PCW**
Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 60692 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number
Rule Cite(s)
Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Good Faith Efforts to Comply

Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input checked="" type="text" value="x"/>
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 PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
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)	\$180	28-Nov-2017	24-May-2021	3.49	\$31	n/a	\$31

Notes for DELAYED costs
 The delayed cost includes the estimated amount to develop and begin maintaining a chemical and microbiological monitoring plan, calculated from the day of the investigation initially documenting the violation to the 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 \$180

TOTAL \$31

Screening Date 30-Apr-2021 **Docket No.** 2021-0614-MLM-E **PCW**
Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 60692 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 3
Rule Cite(s) 30 Tex. Admin. Code § 290.46(z)
Violation Description Failed to create a nitrification action plan for all systems distributing chloraminated water.

Base Penalty \$1,000

>> 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%
100% of the rule requirements were not met.					

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

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

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

Violation Subtotal \$100

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

Estimated EB Amount \$38 **Violation Final Penalty Total** \$135

This violation Final Assessed Penalty (adjusted for limits) \$135

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
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)	\$180	28-Nov-2017	24-Feb-2022	4.24	\$38	n/a	\$38

Notes for DELAYED costs

The delayed cost includes the estimated amount to create a nitrification action plan, calculated from the day of the investigation initially documenting the violation 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 \$180

TOTAL \$38



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Apr-2021	Screening	30-Apr-2021	EPA Due	
	PCW	6-May-2021				

RESPONDENT/FACILITY INFORMATION

Respondent	PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION				
Reg. Ent. Ref. No.	RN101179703				
Facility/Site Region	5-Tyler	Major/Minor Source	Minor		

CASE INFORMATION

Enf./Case ID No.	60692	No. of Violations	4	
Docket No.	2021-0614-MLM-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media	Water Rights	Enf. Coordinator	Samantha Salas	
		EC's Team	Enforcement Team 8	
Admin. Penalty \$ Limit	Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,750
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	35.0% Adjustment	Subtotals 2, 3, & 7	\$612
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Notes: Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$75
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$115
 Estimated Cost of Compliance: \$1,960
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,287
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,287
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,287
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,287
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Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 30-Apr-2021 **Docket No.** 2021-0614-MLM-E **PCW**
Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 60692 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(l)

Violation Description Failed to flush all dead-end mains at monthly intervals.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5.0%
	Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to flush dead-end mains at monthly intervals could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the March 30, 2021 record review date to the April 30, 2021 screening date.

Good Faith Efforts to Comply

10.0% Reduction \$25

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

Notes The Respondent achieved compliance on May 24, 2021.

Violation Subtotal \$225

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$22

Violation Final Penalty Total \$313

This violation Final Assessed Penalty (adjusted for limits) \$313

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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	28-Nov-2017	24-May-2021	3.49	\$17	n/a	\$17

Notes for DELAYED costs

The delayed cost includes the estimated amount to initiate a monthly flushing program, calculated from the date of the investigation initially documenting the violation to the 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

\$22

Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)

Violation Description Failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), and Percent (0.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, and Percent (10.0%).

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 31

Table with frequency options: daily, weekly, monthly, quarterly, semiannual, annual, single event (marked with 'x').

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table with categories: Extraordinary, Ordinary, N/A (marked with 'x').

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$20

Violation Final Penalty Total \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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)	\$180	5-Aug-2020	25-Apr-2022	1.72	\$15	n/a	\$15

Notes for DELAYED costs

The delayed cost includes the estimated amount to adopt an adequate plumbing ordinance or service agreement, calculated from the date of the investigation initially documenting the violation 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

\$180

TOTAL

\$20

Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

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

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 Number of violation days 31

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$675

This violation Final Assessed Penalty (adjusted for limits) \$675

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	5-Aug-2020	24-Feb-2022	1.56	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date of the investigation initially documenting the violation 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

\$180

TOTAL

\$14

Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.45(f)(1)

Violation Description Failed to make a water purchase contract available to the Executive Director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated. Specifically, Lamar County Water Supply District was the sole provider of water for the Facility, and no water purchase contract was made available.

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 1 Number of violation days 31

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

10.0% Reduction \$50

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

Notes The Respondent achieved compliance on May 20, 2021.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$59

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$1,500	5-Aug-2020	20-May-2021	0.79	\$59	n/a	\$59

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide a water purchase contract that will enable the Facility to provide adequate production, storage, service pump, and pressure maintenance capacity, calculated from the date of the investigation initially documenting the violation to the 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 \$1,500

TOTAL \$59



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	19-Apr-2021	Screening	30-Apr-2021	EPA Due	
	PCW	6-May-2021				

RESPONDENT/FACILITY INFORMATION	
Respondent	PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Reg. Ent. Ref. No.	RN101179703
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	60692	No. of Violations	1
Docket No.	2021-0614-MLM-E	Order Type	Findings
Media Program(s)	Water Rights	Government/Non-Profit	Yes
Multi-Media	Public Water Supply	Enf. Coordinator	Samantha Salas
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History	35.0% Adjustment	Subtotals 2, 3, & 7	\$175
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Notes: Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

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

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$50
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$24
 Estimated Cost of Compliance \$360
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$625
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$625
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$625
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$625
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Screening Date 30-Apr-2021

Docket No. 2021-0614-MLM-E

PCW

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

Policy Revision 5 (January 28, 2021)

Case ID No. 60692

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101179703

Media Water Rights

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>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 35%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Satisfactory Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for two NOVs with the same/similar violations and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 35%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 35%

Screening Date 30-Apr-2021 **Docket No.** 2021-0614-MLM-E **PCW**
Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION *Policy Revision 5 (January 28, 2021)*
Case ID No. 60692 *PCW Revision February 11, 2021*
Reg. Ent. Reference No. RN101179703
Media Water Rights
Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 288.20(a) and 288.30(5)(B) and Tex. Water Code § 11.1272(c)

Violation Description Failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1 31 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

10.0%

Reduction \$50

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

Notes The Respondent achieved compliance on May 24, 2021.

Violation Subtotal \$450

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$625

This violation Final Assessed Penalty (adjusted for limits) \$625

Economic Benefit Worksheet

Respondent PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION
Case ID No. 60692
Reg. Ent. Reference No. RN101179703
Media Water Rights
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$5
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)	\$360	5-Aug-2020	24-May-2021	0.80	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the estimated amount to draft and adopt a drought contingency plan, calculated from the date of the investigation initially documenting the violation to the 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

\$360

TOTAL

\$19



Compliance History Report

Compliance History Report for CN600790554, RN101179703, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator:	CN600790554, PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION	Classification:	SATISFACTORY	Rating:	0.89
Regulated Entity:	RN101179703, PETTY WSC	Classification:	NOT APPLICABLE	Rating:	N/A
Complexity Points:	N/A	Repeat Violator:	N/A		
CH Group:	14 - Other				
Location:	LOCATED 1 BLOCK EAST OF FARM-TO-MARKET ROAD 137, 0.05 MILES FROM THE INTERSECTION OF COUNTRY ROAD 26712 AND FARM-TO-MARKET ROAD 1509 IN PETTY, LAMAR COUNTY, TEXAS				
TCEQ Region:	REGION 05 - TYLER				
ID Number(s):					
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION	1390012				

Compliance History Period:	September 01, 2015 to August 31, 2020	Rating Year:	2020	Rating Date:	09/01/2020
Date Compliance History Report Prepared:	August 27, 2021				
Agency Decision Requiring Compliance History:	Enforcement				
Component Period Selected:	August 27, 2016 to August 27, 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: 08/05/2019 ADMINORDER 2018-0826-PWS-E (Findings Order-Agreed Order Without Denial)
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 F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)
Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the reduced monitoring period from 01/01/2014 to 12/31/2014.
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 1Q2017 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 first quarter of 2017.
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 fourth 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 3Q2016 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 third 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: AUG/2015 TCR Repeat 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 repeat coliform monitoring for the month of 08/2015.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

Item 1 February 19, 2020 (1630122)

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: 08/28/2020 (1666320)
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 - Description: Failure to flush all dead-end mains monthly.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 - Description: Failure to record water works operation and maintenance activities performed on the system.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter F 290.121
 - Description: Failure to have a written Monitoring Plan.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
 - Description: Failure to have a Nitrification Action Plan.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(i)
30 TAC Chapter 290, SubChapter D 290.46(l)
30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(n)
 - Description: Complete failure to submit required data, documents, notifications, plans or reports.

- 2 Date: 01/06/2021 (1697097)
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(l)
 - Description: Failure to flush all dead-end mains monthly.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 - Description: Failure to record water works operation and maintenance activities performed on the system.
 - Self Report? NO Classification: Minor
 - Citation: 30 TAC Chapter 290, SubChapter F 290.121
 - Description: Failure to have a written Monitoring Plan.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(z)
 - Description: Failure to have a Nitrification Action Plan.
 - Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
30 TAC Chapter 290, SubChapter D 290.46(f)
30 TAC Chapter 290, SubChapter D 290.46(i)
30 TAC Chapter 290, SubChapter D 290.46(l)
30 TAC Chapter 290, SubChapter D 290.46(m)
30 TAC Chapter 290, SubChapter D 290.46(n)
Description: Complete failure to submit required data, documents, notifications, plans or reports.

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
PETTY WATER SUPPLY AND
SEWER SERVICE CORPORATION
RN101179703**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2021-0614-MLM-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEXAS WATER CODE ch. 11. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. 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. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located one block east of Farm-to-Market Road 137, 0.05 mile from the intersection of County Road 26712 and Farm-to-Market Road 1509 in Petty, Lamar County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 60 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(71). The Facility adjoins, is contiguous with, surrounds, or is near or adjacent to state water as defined in TEX. WATER CODE § 11.021 and 30 TEX. ADMIN. CODE § 297.1(52).
2. During a record review conducted on March 30, 2021, an investigator documented that:
 - a. Records of the amount of water distributed each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent complaint investigation, the maintenance records

for water system equipment and facilities, copies of any public notice issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, the records of backflow prevention device programs, the results of microbiological analyses, and copies of the Customer Service Inspection reports were not maintained on-site for review.

- b. The Respondent did not develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements.
 - c. The Respondent did not create a nitrification action plan for all systems distributing chloraminated water.
 - d. The Respondent did not flush all dead-end mains at monthly intervals.
 - e. The Respondent did not adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted.
 - f. The Respondent did not make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.
 - g. Lamar County Water Supply District was the sole provider of water for the Facility, and no water purchase contract was made available.
 - h. The Respondent did not adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier.
3. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. On May 20, 2021, the Respondent provided a water purchase contract to the Executive Director.
 - b. On May 24, 2021, the Respondent:
 - i. Provided documentation to the Executive Director showing they began flushing all dead-end mains at monthly intervals;
 - ii. Provided a chemical and microbiological monitoring plan to the Executive Director; and
 - iii. Provided a drought contingency plan to the Executive Director.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEXAS WATER CODE ch. 11 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(A)(ii)(III), (f)(3)(A)(iii), (f)(3)(A)(vi), (f)(3)(B)(ii), (f)(3)(B)(iii), (f)(3)(B)(iv), (f)(3)(B)(v), (f)(3)(D)(i), and (f)(3)(E)(iv).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to create a nitrification action plan for all systems distributing chloraminated water, in violation of 30 TEX. ADMIN. CODE § 290.46(z).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to flush all dead-end mains at monthly intervals, in violation of 30 TEX. ADMIN. CODE § 290.46(l).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in violation of 30 TEX. ADMIN. CODE § 290.46(i).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to make a water purchase contract available to the Executive Director in order that production, storage, service pump, or pressure maintenance capacity may be properly evaluated, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1).
9. As evidenced by Findings of Fact No. 2.h, the Respondent failed to adopt a drought contingency plan which includes all elements for municipal use by a retail public water supplier, in violation of 30 TEX. ADMIN. CODE §§ 288.20(a) and 288.30(5)(B) and TEX. WATER CODE § 11.1272(c).
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a) and TEX. WATER CODE § 11.0842(a), the TCEQ has the authority to assess an administrative penalty against the 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.

11. An administrative penalty in the amount of \$3,222 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) and TEX. WATER CODE § 11.0842(c). The Respondent paid the \$122 of the penalty. The remaining amount of \$3,100 shall be paid in 31 monthly payments of \$100 each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If the Respondent fails to comply with the payment requirements of this Order, including the payment schedule, the Executive Director may accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. The Respondent's failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms and conditions of this Order and the Executive Director may demand payment of all or part of the deferred penalty amount.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 11 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the 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 that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION, Docket No. 2021-0614-MLM-E" to:

Financial Administration Division, Revenue Operations Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Compile and maintain properly completed water works operation and maintenance records, including the amount of water distributed each week, the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of any subsequent

complaint investigation, the maintenance records for water system equipment and facilities, copies of any public notice issued by the water system, the disinfectant residual monitoring results from the distribution system, the calibration records for laboratory equipment, flow meters, rate-of-flow controllers, on-line turbidimeters, and on-line disinfectant residual analyzers, the records of backflow prevention device programs, the results of microbiological analyses, and copies of the Customer Service Inspection reports, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- ii. Create a nitrification action plan, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i, 2.a.ii, and 2.a.iii.
 - c. Within 90 days after the effective date of this Order adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - d. Within 105 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. 2.c. 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 fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The 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.
5. 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 the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the 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.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. 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.
8. This Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and

may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date



For the Executive Director

6/8/2022

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I also understand that failure to comply with the Ordering Provisions, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.



Signature

5-2-2022

Date



Name (Printed or typed)

PRESIDENT

Title

Authorized Representative of

PETTY WATER SUPPLY AND SEWER SERVICE CORPORATION

If mailing address has changed, please check this box and provide the new address below: