

**Executive Summary – Enforcement Matter – Case No. 48883**  
**FOREST WATER SUPPLY CORPORATION**  
**RN101183465**  
**Docket No. 2021-0856-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Indifference to legal duty based on violation of a previous order.

**Media:**

PWS

**Small Business:**

Yes

**Location(s) Where Violation(s) Occurred:**

Forest WSC, located 2.2 miles west of IH-69 on Farm-to-Market Road 1911 near Wells, Cherokee 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:** May 6, 2022

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$26,200

**Total Paid to General Revenue:** \$755

**Total Due to General Revenue:** \$25,445

Payment Plan: 35 payments of \$727 each

**Compliance History Classifications:**

Person/CN - High

Site/RN - High

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

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

**Complaint Information:** N/A

**Date(s) of Investigation:** April 08, 2021 and June 21, 2021 through June 25, 2021, May 25, 2021, and May 31, 2021 through June 18, 2021

**Date(s) of NOE(s):** May 28, 2021, June 18, 2021, and June 25, 2021

**Executive Summary – Enforcement Matter – Case No. 48883**  
**FOREST WATER SUPPLY CORPORATION**  
**RN101183465**  
**Docket No. 2021-0856-PWS-E**

***Violation Information***

1. Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive sample was collected [TCEQ Agreed Order Docket No. 2019-0294-PWS-E, Ordering Provision No. 2.a.iv].
2. Failed to comply with the maximum contaminant level of 0.080 milligrams per liter for total trihalomethanes based on the locational running annual average [30 TEX. ADMIN. CODE § 290.115(f)(1), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2017-0089-PWS-E, Ordering Provision No. 2.c].
3. Failed to notify the Executive Director (“ED”) and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities [30 TEX. ADMIN. CODE § 290.39(j) and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.i].
4. Failed to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.ii].
5. Failed to submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the ED by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
6. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1)].
7. Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the ED [30 TEX. ADMIN. CODE § 290.117(c)(2)(B), (h), and (i)(1)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

**Executive Summary – Enforcement Matter – Case No. 48883**  
**FOREST WATER SUPPLY CORPORATION**  
**RN101183465**  
**Docket No. 2021-0856-PWS-E**

a. Within 30 days:

i. Collect one groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the groundwater source in use at the time the distribution coliform-positive sample was collected;

ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs;

iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the ED within ten days following the end of each monitoring period; and

iv. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the ED within ten days following the end of the monitoring period. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the ED for one compliant monitoring period.

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

c. Within 90 days, begin submitting DLQORs to the ED by the tenth day of the month following the end of each quarter. The provision will be satisfied upon one quarter of compliant reporting.

d. Within 180 days:

i. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the new transfer tank, transfer pumps, and the pressure filter;

ii. Provide a pressure tank capacity of at least 20 gallons per connection.

e. Within 195 days, submit written certification to demonstrate compliance with c., d.i., and d.ii.

f. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the ED.

g. Within 285 days, submit written certification to demonstrate compliance with f.

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**FOREST WATER SUPPLY CORPORATION**  
**RN101183465**  
**Docket No. 2021-0856-PWS-E**

- h. Within 365 days, return to compliance with the maximum contaminant level for total trihalomethanes based on the locational running annual average.
- i. Within 380 days, submit written certification to demonstrate compliance with h.
- j. Within 410 days, submit written certification to demonstrate compliance with a.iv.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Amanda Conner, Enforcement Division,  
Enforcement Team 4, MC 219, (512) 239-2521; Michael Parrish, Enforcement Division,  
MC 219, (512) 239-2548

**Respondent:** Josh Dew, Vice President, FOREST WATER SUPPLY CORPORATION,  
11336 Farm-to-Market Road 1911 South, Alto, Texas 75925-7100

**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	1-Jun-2021	<b>Screening</b>	15-Jun-2021	<b>EPA Due</b>	31-Dec-2020
	<b>PCW</b>	16-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN101183465
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48883	<b>No. of Violations</b>	2
<b>Docket No.</b>	2021-0856-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>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<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>	\$5,750
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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.

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$5,750
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Notes: Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

<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	\$2,008
Estimated Cost of Compliance	\$5,025

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$11,500
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$11,500
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$11,500
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$11,500
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Screening Date 15-Jun-2021

Docket No. 2021-0856-PWS-E

PCW

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 48883

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101183465

Media Public Water Supply

Enf. Coordinator Amanda Conner

### 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> )	6	30%
	Other written NOVs	1	2%
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	3	75%
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) 127%

#### >> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

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

High Performer

Adjustment Percentage (Subtotal 7) -10%

#### >> Compliance History Summary

Compliance History Notes

Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 117%

#### >> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100% 100%

**Screening Date** 15-Jun-2021 **Docket No.** 2021-0856-PWS-E **PCW**  
**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 1) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 48883 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.115(f)(1), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2017-0089-PWS-E, Ordering Provision No. 2.c

**Violation Description** Failed to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM"), based on the locational running annual average. Specifically, the locational running annual average concentrations of TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.087 mg/L for the first quarter of 2020, 0.116 mg/L for the second quarter of 2020, 0.120 mg/L for the third quarter of 2020, 0.127 mg/L for the fourth quarter of 2020, and 0.126 mg/L for the first quarter of 2021. Additionally, the locational running annual average concentrations of TTHM for DBP2 at Site 2 were 0.086 mg/L for the first quarter of 2020, 0.103 mg/L for the second quarter of 2020, 0.102 mg/L for the third quarter of 2020, 0.108 mg/L for the fourth quarter of 2020, and 0.109 mg/L for the first quarter of 2021.

**Base Penalty**

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text" value="25.0%"/>
	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** Exceeding the MCL for TTHM caused person served by the Facility to be exposed to significant amounts of contaminants which did not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

Four annual events are recommended, two for each site.

**Good Faith Efforts to Comply**  Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>

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

**Violation Subtotal**

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

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

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

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 1)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**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)	\$5,000	11-Sep-2017	3-Jun-2023	5.73	\$95	\$1,910	\$2,005
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to investigate, identify, and implement the necessary corrective actions to return to compliance with the MCL for TTHM, calculated from the effective date of TCEQ Agreed Order Docket No. 2017-0089-PWS-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$5,000

**TOTAL** \$2,005



**Screening Date** 15-Jun-2021 **Docket No.** 2021-0856-PWS-E **PCW**  
**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 1) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 48883 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number**   
**Rule Cite(s)** TCEQ Agreed Order Docket No. 2019-0294-PWS-E, Ordering Provision No. 2.a.iv  
**Violation Description** Failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample on May 31, 2018, at least one raw groundwater source Escherichia coli (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive sample was collected.

**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="15.0%"/>
	Potential	<input type="text" value="x"/>	<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** Failure to collect raw groundwater source samples could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**Good Faith Efforts to Comply**  Reduction

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

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

**Violation Subtotal**

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

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

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

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 1)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$25	8-Oct-2019	2-Jul-2022	2.73	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs** The delayed cost includes the estimated amount to collect one raw groundwater source sample from each active source (\$25 per sample x one active source x monitoring period), calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0294-PWS-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$25

**TOTAL** \$3



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Jun-2021	<b>Screening</b>	29-Jun-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	30-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 2)
<b>Reg. Ent. Ref. No.</b>	RN101183465
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48883	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0856-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>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$150
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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>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$150
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Notes: Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

<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: \$0  
 Estimated Cost of Compliance: \$0  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$300
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$300
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$300
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$300
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**Screening Date** 29-Jun-2021

**Docket No.** 2021-0856-PWS-E

**PCW**

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 2)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 48883

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101183465

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

### 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> )	6	30%
	Other written NOVs	1	2%
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	3	75%
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)** 127%

#### >> Repeat Violator (Subtotal 3)

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

#### >> Final Compliance History Adjustment

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

<b>Screening Date</b>	29-Jun-2021	<b>Docket No.</b>	2021-0856-PWS-E	<b>PCW</b>
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 2)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	48883			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101183465			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amanda Conner			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(C)(iv), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.ii			
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 187 service connections, requiring a pressure tank capacity of 3,740 gallons. However, only 2,000 gallons were provided, indicating a 47% deficiency.			
		<b>Base Penalty</b>	\$1,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential		x		<b>Percent</b> 5.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> 0.0%

Matrix Notes

Failing to provide adequate pressure tank capacity may cause back siphonage and low pressure that may expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

**Adjustment** \$950

\$50

**Violation Events**

Number of Violation Events   Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

**Violation Base Penalty** \$150

Three quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0281-PWS-E, February 19, 2019, to August 31, 2019.

**Good Faith Efforts to Comply**  Reduction

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

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

**Violation Subtotal** \$150

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$300"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$300"/>	

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 2)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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 to provide a minimum pressure tank capacity of at least 20 gallons per connection is assessed in the Economic Benefit Worksheet for Violation No. 2 on PCW No. 3.

### 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

\$0

**TOTAL**

\$0



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Jun-2021			
	<b>PCW</b>	30-Jun-2021	<b>Screening</b>	29-Jun-2021	<b>EPA Due</b>

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 3)
<b>Reg. Ent. Ref. No.</b>	RN101183465
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	48883	<b>No. of Violations</b>	2	
<b>Docket No.</b>	2021-0856-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>	Amanda Conner	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$</b>	<b>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>	\$2,500
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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.

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$2,500
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Notes: Enhancement for six NOV's with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

<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: \$1,890  
 Estimated Cost of Compliance: \$8,000  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$5,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$5,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$5,000
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$5,000
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**Screening Date** 29-Jun-2021

**Docket No.** 2021-0856-PWS-E

**PCW**

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 3)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 48883

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101183465

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

### 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> )	6	30%
	Other written NOVs	1	2%
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	3	75%
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)** 127%

#### >> Repeat Violator (Subtotal 3)

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

#### >> Final Compliance History Adjustment

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



Screening Date 29-Jun-2021

Docket No. 2021-0856-PWS-E

PCW

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 3)

Policy Revision 5 (January 28, 2021)

Case ID No. 48883

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101183465

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.39(j) and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.i

Violation Description

Failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, a new transfer tank, transfer pumps, and pressure filter were installed without approval.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

861 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

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 \$567

Violation Final Penalty Total \$1,000

This violation Final Assessed Penalty (adjusted for limits) \$1,000

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 3)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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)	\$3,000	19-Feb-2019	30-Nov-2022	3.78	\$567	n/a	\$567

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to notify and receive approval from the Executive Director for the significant changes to the water system, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0281-PWS-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$3,000

**TOTAL** \$567

**Screening Date** 29-Jun-2021 **Docket No.** 2021-0856-PWS-E **PCW**  
**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 3) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 48883 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 2  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.ii  
**Violation Description** Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Facility had 187 service connections, requiring a pressure tank capacity of 3,740 gallons. However, only 2,000 was provided, indicating a 47% deficiency.

**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** Failing to provide adequate pressure tank capacity may cause back siphonage and low pressure that may expose persons served by the Facility to a significant amount of contaminants that would not exceed levels protective of human health.

**Adjustment** \$4,750

\$250

**Violation Events**

Number of Violation Events 8 861 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

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

Eight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021.

**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** \$1,323 **Violation Final Penalty Total** \$4,000

**This violation Final Assessed Penalty (adjusted for limits)** \$4,000

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 3)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**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	\$5,000	19-Feb-2019	30-Nov-2022	3.78	\$63	\$1,260	\$1,323
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to provide a minimum pressure tank capacity of at least 20 gallons per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0281-PWS-E to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** \$5,000

**TOTAL** \$1,323



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Jun-2021			
	<b>PCW</b>	30-Jun-2021	<b>Screening</b>	29-Jun-2021	<b>EPA Due</b> 30-Jun-2021

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 4)
<b>Reg. Ent. Ref. No.</b>	RN101183465
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48883	<b>No. of Violations</b>	1
<b>Docket No.</b>	2021-0856-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>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$</b>	<b>Limit Minimum</b> \$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$200
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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>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$200
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Notes: Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

<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 \$56  
 Estimated Cost of Compliance \$189  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$400
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: [Empty box]

<b>Final Penalty Amount</b>	\$400
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$400
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$400
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**Screening Date** 29-Jun-2021

**Docket No.** 2021-0856-PWS-E

**PCW**

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 4)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 48883

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101183465

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

### 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> )	6	30%
	Other written NOVs	1	2%
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	3	75%
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)** 127%

#### >> Repeat Violator (Subtotal 3)

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

#### >> Final Compliance History Adjustment

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

Screening Date 29-Jun-2021

Docket No. 2021-0856-PWS-E

PCW

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 4)

Policy Revision 5 (January 28, 2021)

Case ID No. 48883

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101183465

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

Rule Cite(s)

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

Violation Description

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

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

233 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended, one for each missed report.

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 \$200

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$56

Violation Final Penalty Total \$400

This violation Final Assessed Penalty (adjusted for limits) \$400

## Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 4)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**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	31-May-2021	2-Jul-2022	1.09	\$2	n/a	\$2
Training/Sampling	\$100	31-May-2021	2-Jul-2022	1.09	\$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 delayed costs include 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 record review date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$22	10-Apr-2019	29-Jun-2021	2.22	\$3	\$22	\$25
Other (as needed)	\$22	10-Jul-2019	29-Jun-2021	1.97	\$2	\$22	\$24

**Notes for AVOIDED costs**  
 Each avoided cost includes the estimated amount to prepare and submit a DLQOR (\$22 per DLQOR x one report each), calculated from the date each report was due to the date of screening.

**Approx. Cost of Compliance** \$189

**TOTAL** \$56





# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Jun-2021	<b>Screening</b>	29-Jun-2021	<b>EPA Due</b>	30-Jun-2021
	<b>PCW</b>	30-Jun-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 5)
<b>Reg. Ent. Ref. No.</b>	RN101183465
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	48883	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-0856-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>	Amanda Conner
		<b>EC's Team</b>	Enforcement Team 2
<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>	\$4,500
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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.

<b>Compliance History</b>	100.0%	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$4,500
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Notes: Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

<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: \$782  
 Estimated Cost of Compliance: \$836  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$9,000
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$9,000
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$9,000
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<b>DEFERRAL</b>	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.

<b>PAYABLE PENALTY</b>	\$9,000
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**Screening Date** 29-Jun-2021

**Docket No.** 2021-0856-PWS-E

**PCW**

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 5)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 48883

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101183465

**Media** Public Water Supply

**Enf. Coordinator** Amanda Conner

### 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> )	6	30%
	Other written NOVs	1	2%
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	3	75%
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)** 127%

#### >> Repeat Violator (Subtotal 3)

No

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

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

High Performer

**Adjustment Percentage (Subtotal 7)** -10%

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

#### >> Final Compliance History Adjustment

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

Screening Date 29-Jun-2021

Docket No. 2021-0856-PWS-E

PCW

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 5)

Policy Revision 5 (January 28, 2021)

Case ID No. 48883

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101183465

Media Public Water Supply

Enf. Coordinator Amanda Conner

Violation Number 1

Rule Cite(s)

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

Violation Description

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

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 6

667 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$3,000

Six single events are recommended, one for each missed report.

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 \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$139

Violation Final Penalty Total \$6,000

This violation Final Assessed Penalty (adjusted for limits) \$6,000

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 5)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				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 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 is assessed in the Economic Benefit Worksheet for Violation No. 1 on PCW No. 4.

### 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>	\$136	10-Jan-2021	29-Jun-2021	0.47	\$3	\$136	\$139
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 six reports) and accrued interest), calculated from the date the last report was due to the date of screening.

**Approx. Cost of Compliance** \$136

**TOTAL** \$139

<b>Screening Date</b>	29-Jun-2021	<b>Docket No.</b>	2021-0856-PWS-E	<b>PCW</b>
<b>Respondent</b>	FOREST WATER SUPPLY CORPORATION (PCW No. 5)			<i>Policy Revision 5 (January 28, 2021)</i>
<b>Case ID No.</b>	48883			<i>PCW Revision February 11, 2021</i>
<b>Reg. Ent. Reference No.</b>	RN101183465			
<b>Media</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amanda Conner			
<b>Violation Number</b>	2			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.117(c)(2)(C), (h), and (i)(1)			
<b>Violation Description</b>	Failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2017 through December 31, 2019 monitoring period.			
		<b>Base Penalty</b>	\$5,000	

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

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				
	Potential	x			<b>Percent</b> 15.0%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0.0%

Matrix Notes: Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed level protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events: 1      1095 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$750

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** \$750

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

**Estimated EB Amount** \$332      **Violation Final Penalty Total** \$1,500

**This violation Final Assessed Penalty (adjusted for limits)** \$1,500

# Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 5)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	31-May-2021	2-Jul-2022	1.09	\$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 delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$300	30-Sep-2019	29-Jun-2021	1.75	\$27	\$300	\$327
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 The avoided costs include the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x ten required samples x one monitoring period), calculated from the sampling due date to the screening date.

**Approx. Cost of Compliance** \$400

**TOTAL** \$332

**Screening Date** 29-Jun-2021 **Docket No.** 2021-0856-PWS-E **PCW**  
**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 5) *Policy Revision 5 (January 28, 2021)*  
**Case ID No.** 48883 *PCW Revision February 11, 2021*  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Enf. Coordinator** Amanda Conner

**Violation Number** 3  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.117(c)(2)(B), (h), and (i)(1)  
**Violation Description** Failed to collect lead and copper tap samples at the required ten samples sites, have the samples analyzed, and report the results to the Executive Director for the January 1, 2020 through December 31, 2020 monitoring period.

**Base Penalty** \$5,000

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

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

**>> Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

**Matrix Notes** Failure to collect lead and copper tap samples could expose persons served by the Facility to undetected contaminants which would exceed level protective of human health.

**Adjustment** \$4,250

\$750

**Violation Events**

Number of Violation Events 1 365 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

**Violation Base Penalty** \$750

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** \$750

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

**Estimated EB Amount** \$311 **Violation Final Penalty Total** \$1,500

**This violation Final Assessed Penalty (adjusted for limits)** \$1,500

## Economic Benefit Worksheet

**Respondent** FOREST WATER SUPPLY CORPORATION (PCW No. 5)  
**Case ID No.** 48883  
**Reg. Ent. Reference No.** RN101183465  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

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

**Notes for DELAYED costs** The delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by the Facility's personnel, analyzed, and the results reported to the Executive Director is assessed in the Economic Benefit Worksheet for Violation No. 2.

### 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>	\$300	30-Sep-2020	29-Jun-2021	0.75	\$11	\$300	\$311
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs** The avoided costs include the estimated amount to collect and have analyzed the required lead and copper tap samples (\$30 per sample x ten required samples x one monitoring period), calculated from the sampling due date to the screening date.

**Approx. Cost of Compliance** \$300

**TOTAL** \$311



The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# Compliance History Report

Compliance History Report for CN600630743, RN101183465, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

**Customer, Respondent, or Owner/Operator:** CN600630743, FOREST WATER SUPPLY CORPORATION  
**Classification:** HIGH **Rating:** 0.00  
**Regulated Entity:** RN101183465, FOREST WSC **Classification:** HIGH **Rating:** 0.00  
**Complexity Points:** 3 **Repeat Violator:** NO  
**CH Group:** 14 - Other  
**Location:** 2.2 miles west of Interstate Highway 69 on Farm-to-Market Road 1911, near Wells, Cherokee County, Texas  
**TCEQ Region:** REGION 05 - TYLER

**ID Number(s):**

**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0370019 **WATER LICENSING LICENSE** 0370019  
**WASTEWATER EPA ID** TX0135267

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

**Date Compliance History Report Prepared:** October 25, 2021

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** October 25, 2016 to October 25, 2021

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

**Name:** Amanda Conner

**Phone:** (512) 239-2521

**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: 09/11/2017 ADMINORDER 2017-0089-PWS-E (Findings Order-Agreed Order Without Denial)  
Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Rqmt Prov: 2.e.i, 2.e.ii, and 2.f ORDER  
Description: Failed to comply with the maximum containment level of 0.08 milligrams per liter for trihalomethanes (TTHM) based on the running annual average, in violation of 30 Tex. Admin. Code § 290.113(f)(4) and Tex. Admin. Code § 341.0315(c), as documented during a record review conducted from June 6, 2014 through June 13, 2014. Specifically, the running annual average concentration of TTHM was 0.098 mg/L for the third quarter of 2013. Failure to comply with Agreed Order Docket No. 2014-0885-PWS-E.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: TTHM LRAA MCL 1Q2015 - During the first quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.121 mg/L at FM 1911 8m off Hwy 69 (DBP2-01).  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: TTHM LRAA MCL 2Q2015 - During the second quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.123 mg/L at FM 1911 8m off Hwy 69 (DBP2-01).  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 3Q2015 - During the third quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.121 mg/L at FM 1911 8m off Hwy 69 (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2015 - During the fourth quarter of 2015 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.113 mg/L at FM 1911 8m off Hwy 69, Alto (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 1Q2016 - During the first quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.105 mg/L at FM 1911 8m off Hwy 69, Alto (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 2Q2016 - During the second quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.101 mg/L at FM 1911 8m off Hwy 69, Alto (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 3Q2016 - During the third quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.102 mg/L at FM 1911 8m off Hwy 69, Alto (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: TTHM LRAA MCL 4Q2016 - During the fourth quarter of 2016 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.103 mg/L at FM 1911 8m off Hwy 69, Alto (DBP2-01) and with a LRAA of 0.087 mg/L at Hwy 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: TTHM/HAA5 DBP2 MCL PN 2Q2016 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 violation of the maximum contaminant level for trihalomethanes/haloacetic acids during the second quarter of 2016.

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. 10801 for calendar years 2012 and 2013.

2 Effective Date: 02/19/2019 ADMINORDER 2018-0281-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(vi)

Description: Failure to maintain operating records according to standards.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description: Failure to provide an adequate customer service inspection program.

Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all facilities in a watertight condition.  
Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)

Description: Failure to maintain storage tanks in according with AWWA standards.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)  
5A THSC Chapter 341, SubChapter A 341.0351

Description: Failure to notify the TCEQ in writing of any significant change to treatment facilities.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide the minimum pressure tank capacity.

3 Effective Date: 07/01/2019 ADMINORDER 2018-0033-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 3Q2017 - During the 3rd quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.066 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.074 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 2Q2017 - During the 2nd quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.069 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.074 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 1Q2017 - During the 1st quarter of 2017 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.067 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.072 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2016 - During the 4th quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.082 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2016 - During the 4th quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.080 mg/L at FM 1911 8m off HWY 69, Alto (DBP2-01).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 3Q2016 - During the 3rd quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.078 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.072 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 2Q2016 - During the 2nd quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.086 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.090 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 1Q2016 - During the 1st quarter of 2016 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.106 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.112 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2015 - During the 4th quarter of 2015 the system violated the maximum contaminant

level for haloacetic acids with a LRAA of 0.115 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.113 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 3Q2015 - During the 3rd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.126 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.131 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 2Q2015 - During the 2nd quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.126 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.125 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 1Q2015 - During the 1st quarter of 2015 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.124 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.118 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 2Q2014 - During the 2nd quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.084 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 3Q2014 - During the 3rd quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.123 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.114 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: HAA5 LRAA MCL 4Q2014 - During the 4th quarter of 2014 the system violated the maximum contaminant level for haloacetic acids with a LRAA of 0.122 mg/L at FM 1911 .8m off HWY 69, Alto (DBP2-01) and with a LRAA of 0.116 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).

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 01/01/2016 to 12/31/2016.

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)

Rqmt Prov: 2013-1723-PWS-E, OP Nos. 2.c and 2.d ORDER

Description: Failure to comply with the maximum contaminant level (MCL) of 0.060 milligrams per liter (mg/L) of haloacetic acids (HAA5) based on the running annual average (RAA). Specifically, the RAA concentrations of HAA5 were 0.063 mg/L for the 1Q2013 and 0.077 mg/L for the 2Q2013. Failure to comply with TCEQ Agreed Order Docket No. 2013-1723-PWS-E.

4 Effective Date: 10/08/2019 ADMINORDER 2019-0294-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)

Description: DBP2 MR 1Q2018 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the quarterly monitoring period from 01/01/2018 to 03/31/2018.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)

Description: GWR Triggered Source MR Violation 05/2018 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM/HAA5 OEL Reporting 1Q2018 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at FM 1911 .8M off HWY 69, Alto (DBP2-01) and HWY 69 and CR 2724, Alto (DBP2-02) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM/HAA5 OEL Reporting 2Q2018 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at FM 1911 .8M off HWY 69, Alto (DBP2-01) and HWY 69 and CR 2724, Alto (DBP2-02) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM/HAA5 OEL Reporting 3Q2018 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at FM 1911 .8M off HWY 69, Alto (DBP2-01) and HWY 69 and CR 2724, Alto (DBP2-02) within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(e)(2)

Description: DBP2 TTHM/HAA5 OEL Reporting 4Q2017 - This system failed to submit the Operational Evaluation Report (OEL) after exceeding the operational evaluation level for trihalomethanes/haloacetic acids at FM 1911 .8M off HWY 69, Alto (DBP2-01) within the required timeline.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

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

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 90370019 for Fiscal Year 2019.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	May 22, 2017	(1414565)
Item 2	February 28, 2020	(1630344)

**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.

- Date: 10/27/2020 (1737039)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)

Description: TTHM LRAA MCL 3Q2020 - During the 3rd quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.120 mg/L at 14808 FM 1911, Alto (DBP2-01) and a LRAA of 0.102 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).
- Date: 12/17/2020 (1735988)

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 third quarter of 2020 within the required timeline.
- Date: 12/21/2020 (1735988)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(B)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR YR2020 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2020 to 12/31/2020 within the required timeline.

- 4 Date: 01/21/2021 (1737039)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 4Q2020 - During the 4th quarter of 2020 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.127 mg/L at 14808 FM 1911, Alto (DBP2-01) and a LRAA of 0.108 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).
- 5 Date: 04/01/2021 (1735988)  
 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 4Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the fourth quarter of 2020 within the required timeline.
- 6 Date: 05/20/2021 (1737039)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.115(f)(1)  
 Description: TTHM LRAA MCL 1Q2021 - During the 1st quarter of 2021 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.126 mg/L at 14808 FM 1911, Alto (DBP2-01) and a LRAA of 0.109 mg/L at HWY 69 and CR 2724, Alto (DBP2-02).
- 7 Date: 06/25/2021 (1711090)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)  
 Description: Failure to require testing of applicable backflow prevention assemblies annually.

**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  
FOREST WATER SUPPLY  
CORPORATION  
RN101183465**

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§

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0856-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding FOREST WATER SUPPLY CORPORATION (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. 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 2.2 miles west of Interstate Highway 69 on Farm-to-Market Road 1911 near Wells, Cherokee County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 187 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).
2. During record reviews conducted on April 08, 2021 and June 21, 2021 through June 25, 2021 investigators documented that:
  - a. The Respondent did not collect, within 24 hours of notification of the routine distribution total coliform-positive sample on May 31, 2018, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive sample was collected; and

- b. The locational running annual average concentrations of total trihalomethanes ("TTHM") for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 were 0.087 milligrams per liter ("mg/L") for the first quarter of 2020, 0.116 mg/L for the second quarter of 2020, 0.120 mg/L for the third quarter of 2020, 0.127 mg/L for the fourth quarter of 2020, and 0.126 mg/L for the first quarter of 2021. Additionally, the locational running annual average concentrations of TTHM for DBP2 at Site 2 were 0.086 mg/L for the first quarter of 2020, 0.103 mg/L for the second quarter of 2020, 0.102 mg/L for the third quarter of 2020, 0.108 mg/L for the fourth quarter of 2020, and 0.109 mg/L for the first quarter of 2021.
3. During a record review conducted on May 25, 2021, an investigator documented that:
  - a. A new transfer tank, transfer pumps, and pressure filter were installed without approval; and
  - b. The Facility had 187 service connections, requiring a pressure tank capacity of 3,740 gallons. However, only 2,000 gallons were provided, indicating a 47% deficiency.
4. During a record review conducted on May 31, 2021 through June 18, 2021, an investigator documented that:
  - a. The Respondent did not submit a Disinfection Level Quarterly Operating Report ("DLQOR") to the Executive Director by the tenth day of the month following the end of each quarter for the first quarter of 2019 through the fourth quarter of 2020;
  - b. The Respondent did not 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, 2017 through December 31, 2019 monitoring period; and
  - c. The Respondent did not 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, 2020 through December 31, 2020 monitoring period.

## 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 and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a, the Respondent failed to collect, within 24 hours of notification of the routine distribution total coliform-positive sample, at least one raw groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the active groundwater source in use at the time the distribution coliform-positive



sample was collected, in violation of TCEQ Agreed Order Docket No. 2019-0294-PWS-E, Ordering Provision No. 2.a.iv.

3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to comply with the maximum contaminant level ("MCL") of 0.080 mg/L for TTHM, based on the locational running annual average, in violation of 30 TEX. ADMIN. CODE § 290.115(f)(1), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2017-0089-PWS-E, Ordering Provision No. 2.c.
4. As evidenced by Finding of Fact No. 3.a, the Respondent failed to notify the Executive Director and receive an approval prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j) and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.i.
5. As evidenced by Finding of Fact No. 3.b, the Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.c.ii.
6. As evidenced by Finding of Fact No. 4.a, the Respondent failed to submit a DLQOR to the Executive Director by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
7. As evidenced by Finding of Fact No. 4.b, the Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(C), (h), and (i)(1).
8. As evidenced by Finding of Fact No. 4.c, the Respondent failed to collect lead and copper tap samples at the required ten sample sites, have the samples analyzed, and report the results to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.117(c)(2)(B), (h), and (i)(1).
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(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.
10. An administrative penalty in the amount of \$26,200 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). The Respondent paid \$755 of the penalty. The remaining amount of \$25,445 shall be paid in 35 monthly payments of \$727 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. 10 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: FOREST WATER SUPPLY CORPORATION, Docket No. 2021-0856-PWS-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. Collect one groundwater source *Escherichia coli* (or other approved fecal indicator) sample from the groundwater source in use at the time the distribution coliform-positive sample was collected, in accordance with 30 TEX. ADMIN. CODE § 290.109;
    - ii. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;
    - iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future lead and copper tap samples are collected, analyzed, and the results are reported to the Executive Director within ten days following the end of each monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117; and

- iv. Collect the required number of lead and copper tap samples, have the samples analyzed, and report the results to the Executive Director within ten days following the end of the monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.117. This provision will be satisfied upon the timely delivery of all lead and copper tap sampling results to the Executive Director for one compliant monitoring period.
- b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i through 2.a.iii.
- c. Within 90 days after the effective date of this Order, begin submitting DLQORs to the Executive Director by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. The provision will be satisfied upon one quarter of compliant reporting. DLQORs shall be submitted to:

DLQOR Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- d. Within 180 days after the effective date of this Order:
  - i. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production and treatment, including but not limited to the new transfer tank, transfer pumps, and the pressure filter at the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans, specifications, and reports shall be submitted to:

Plan Review Team  
Water Supply Division, MC 159  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning plans and specifications within 15 days after the date of such requests, or by any other deadline specified in writing.

- ii. Provide a pressure tank capacity of at least 20 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.

- e. Within 195 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c, 2.d.i, and 2.d.ii.
- f. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to the Facility from the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- g. Within 285 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.f.
- h. Within 365 days after the effective date of this Order, return to compliance with the MCL for TTHM, based on the locational running annual average, in accordance with 30 TEX. ADMIN. CODE § 290.115.
- i. Within 380 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.j below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.h.
- j. Within 410 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.a.iv. 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

and a copy to:

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

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.

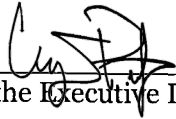
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
For the Executive Director

\_\_\_\_\_  
9/14/2022

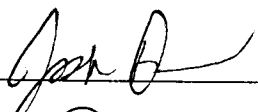
\_\_\_\_\_  
Date

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

\_\_\_\_\_  
3-31-22  
Date

\_\_\_\_\_  
Josh Dew  
Name (Printed or typed)

\_\_\_\_\_  
Vice President  
Title

Authorized Representative of  
FOREST WATER SUPPLY CORPORATION

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

**Instructions:** Send the original, signed Order with penalty payment to the Financial Administration Division, Revenue Operations Section at the address in Ordering Provision 1 of this Order.