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.

Executive Summary – Enforcement Matter – Case No. 48883 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



STATE OF THE PARTY	Policy Revi	Pe ision 5 (January 28, 2	•	Calculatio	n Worksheet (Po	•	sion February 11, 2021
DATES	Assigned	1-Jun-2021					
	PCW	16-Jun-2021	Screenin	g 15-Jun-2021	EPA Due 31-Dec-2020)	
DECDO	NDENT/EACTLT	TV INCODMATE	ON				
KESPU	NDENT/FACILI Respondent	FOREST WATER		DDODATION (DC)	W No. 1)		
Red	g. Ent. Ref. No.	RN101183465	<u> </u>	IN ONATION (TC)	V 140. 1)		
	ty/Site Region				Major/Minor Source	Minor	
	NFORMATION	40002			No of Wielstian	-[2	
EN	f./Case ID No.	2021-0856-PWS	_F		No. of Violations Order Type		
Med	lia Program(s)				Government/Non-Profi		
	Multi-Media		- -		Enf. Coordinato		-
				_		Enforcement Te	am 2
Adr	nin. Penalty \$ I	Limit Minimum	\$50	Maximum	\$5,000		
				<u> </u>	l: C l:		
			Pena	lity Calcula	tion Section		
TOTAI	L BASE PENA	LTY (Sum of	violation	n base penal	ties)	Subtotal 1	\$5,750
4 5 7114		/				_	
ADJUS	STMENTS (+)	/-) IO SUBIO	DIAL 1	a Danalty (Cubtatal 1) by the indicated percentage.		
	Compliance His		g the rotal bas	100.0%		otals 2, 3, & 7	\$5,750
			for six NOV		similar violations, one NOV		43/130
					der containing a denial of		
	Notes				denial of liability. Reduction		
		maomey, and em	•	n Performer class	•		
	<u>l</u>						
	Culpability	No		0.0%	Enhancement	Subtotal 4	\$0
	Nata	The De					
	Notes	ine ke	spondent d	oes not meet the	culpability criteria.		
	l 						
	Good Faith Effo	ort to Comply T	otal Adjust	tments		Subtotal 5	\$0
	Economic Bene	efit		0.0%	Enhancement*	Subtotal 6	\$0
		Total EB Amounts	\$2,008		d at the Total EB \$ Amount		ΨΟ
	Estimated	Cost of Compliance	\$5,025				
SIIM (OF SUBTOTAL	I S 1-7				Final Subtotal	\$11,500
JUN (JI JUDIUIAI	LJ 1-/				Tiliai Subtotal	\$11,500

SUM OF SUBTOTA	LS 1-7		Final Subtotal	\$11,500
OTHER EACTORS	AS JUSTICE MAY REQUIRE	0.00%	Adiustment	¢O
	Subtotal by the indicated percentage.	0.0%	Adjustment	\$0
Notes				

Final Penalty Amount \$11,500 STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$11,500

DEFERRAL 0.0% Reduction Adjustment **\$0** Reduces the Final Assessed Penalty by the indicated percentage.

No deferral is recommended for Findings Orders. Notes

PAYABLE PENALTY \$11,500

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 1) **Case ID No.** 48883

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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

I		Environmental management systems in place for one year or more	No	0%
	Other	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**

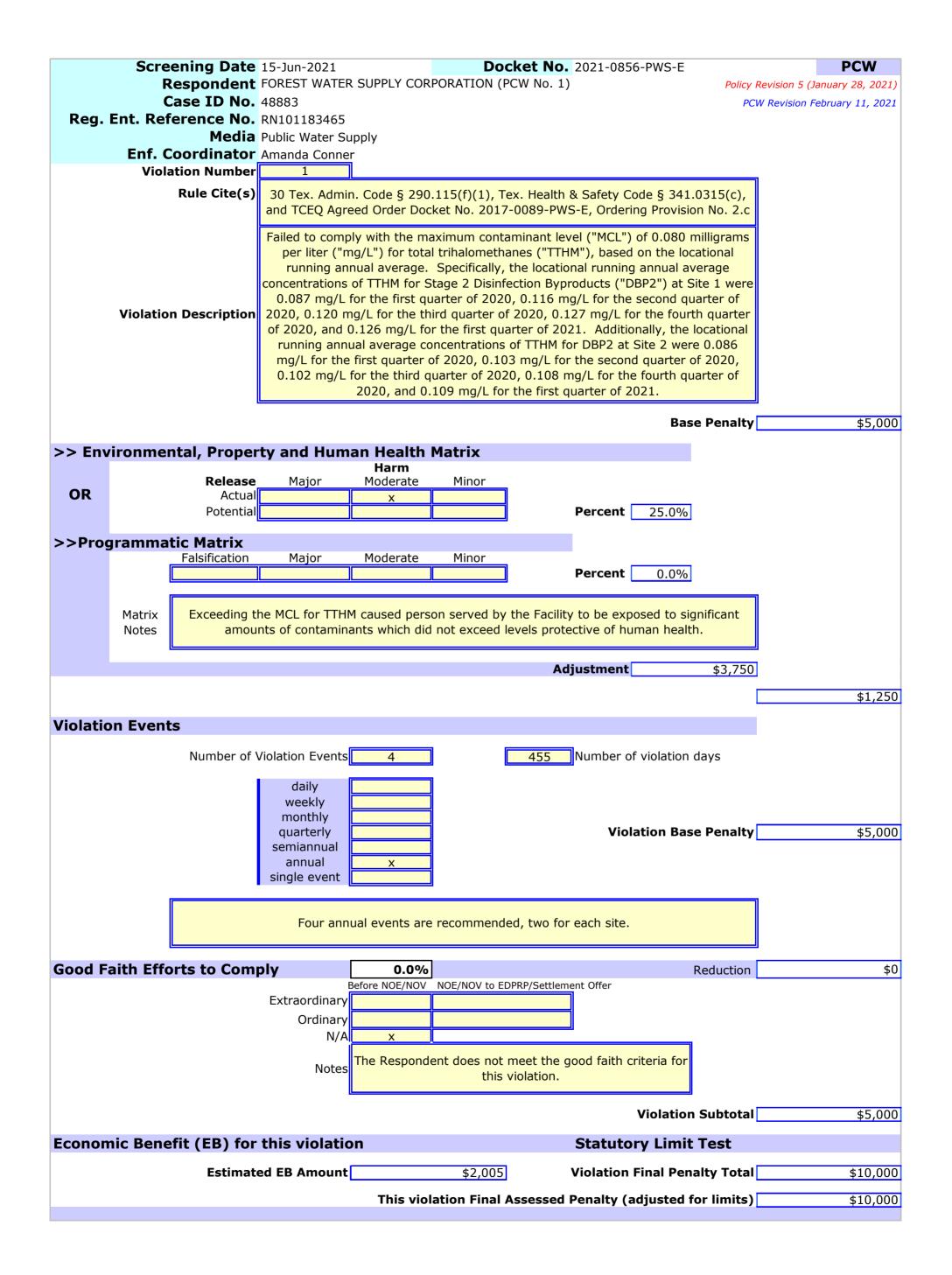
Enhancement for six NOVs with the same/similar violations, one NOV with dissimilar violations, one agreed order containing a denial of liability, and three agreed orders without a denial of liability. Reduction for High Performer classification.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%

100%



	E	conomic	Benefit	Wo	rksheet		
		R SUPPLY CORPO	RATION (PCW	No. 1)			
Case ID No. Reg. Ent. Reference No.							
	Public Water S					Percent Interest	Years of Depreciation
	_					5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$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 \$0	n/a	\$0 \$0
Record Keeping System Training/Sampling				0.00	\$0 \$0	n/a n/a	\$0
Remediation/Disposal				0.00	\$0 \$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	corrective a	ctions to return to O Agreed Order Do	compliance wi ocket No. 2017	th the N ·0089-P	ICL for TTHM, calc	fy, and implement to culated from the effe nated date of comp	ective date of liance.
Avoided Costs	ANNUA	LIZE avoided co	osts before er			one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs		JI		0.00	Ψ0	ΨΟ	\$0
Approx. Cost of Compliance		\$5,000			TOTAL		\$2,005

	Screening Date			ocket No. 2021-085	6-PWS-E	PCW
	Respondent	FOREST WATER SUP	PLY CORPORATION	(PCW No. 1)	Policy Re	evision 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)	TCFO Agreed Orde	r Docket No. 2019-0	294-PWS-E, Ordering	Provision No. 2.a.iv	
	Violation Description	Failed to collect, v coliform-positive s Escherichia coli	within 24 hours of no ample on May 31, 20 (or other approved in use at the time th	otification of the routine 118, at least one raw g fecal indicator) sample ne distribution coliform ected.	e distribution total roundwater source from the active	
					Base Penalty	\$5,000
>> Fn:	vironmental, Prope	rty and Human	Health Matriv			
LIIV	omnental, Flope	_	arm			
	Release		derate Minor	_		
OR	Actual					
	Potential	Х		Percent	15.0%	
D	avananati a Matuisa					
>>Pro	grammatic Matrix Falsification	Major Mo	derate Minor			
	Taisincation	14101	derate Millor	Percent	0.0%	
				i c. come	0.070	
		_	•	uld result in persons sed exceed levels protect Adjustment	ive of human health.	
				Aujustinent	Ψ +,250	
						\$750
\ <i>r</i> :						
Violati	on Events					
	Number of \	iolation Events	1	616 Number o	of violation days	
		daily weekly monthly quarterly semiannual annual single event	X	Viol	ation Base Penalty	\$750
		On	e single event is reco	ommended.		
Good F	aith Efforts to Com	ply	0.0%		Reduction	\$0
		Before I	NOE/NOV NOE/NOV to E	DPRP/Settlement Offer	_	
		Extraordinary				
		Ordinary				
		N/A	X			
		Notes The		t meet the good faith o	riteria for	
					Violation Subtotal	\$750
Econor	nic Benefit (EB) for	this violation		Statuto	ory Limit Test	
	Estimate	ed EB Amount	\$3	Violation	Final Penalty Total	\$1,500
			·			
			IIIIS VIUIALIUN FINAI	Assessed Penalty (a	iujusteu ior limits)	\$1,500

Economic Benefit Worksheet							
Respondent	FOREST WATE	R SUPPLY CORPO	RATION (PCW	No. 1)			
Case ID No.				•			
Reg. Ent. Reference No.	RN101183465)					
	Public Water S					Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$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						indwater source san	
Notes for DELATED Costs		• • •			. , , ,	mated date of comp	
						<u> </u>	
Avoided Costs	ANNUA	ALIZE avoided co	osts before er	tering	item (except for	r one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs							
Approx. Cost of Compliance		\$25			TOTAL		\$3
		·				•	<u> </u>



Notes

PAYABLE PENALTY

Penalty Calculation Worksheet (PCW) Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

\$300

DATES	Assigned	21-Jun-2021			
	PCW	30-Jun-2021	Screening 29-Jun-2021	EPA Due 30-Jun-202:	
	PCW	30-Jun-2021	Screening 29-Jun-2021	EPA Due 30-Jun-2022	

RESPONDEN	IT/FACILI	TY INFORMATION	N					
Re	spondent	FOREST WATER S	SUPPLY CORPO	RATION (PCV	V No. 2)			
		RN101183465			Maiow/M	lasa Carras	IM:	
Facility/Sit	te Kegion	5-Tyler			мајог/ м	inor Source	MILLOL	
CASE INFOR	MATION							
	se ID No.	48883			No. o	f Violations	1	
		2021-0856-PWS-	E			Order Type	Findings	
		Public Water Sup	ply		Government	/Non-Profit	Yes	
Mι	ılti-Media				Enf. (Amanda Conner	
			+50	I	+4.000	EC's Team	Enforcement Team	2
Admin. F	enaity \$ 1	Limit Minimum	\$50 N	laximum	\$1,000			
			Donalty	, Calcula	tion Costic			
					tion Section)[]		
TOTAL BA	SE PENA	LTY (Sum of	violation b	ase penalt	ies)		Subtotal 1	\$150
ADJUSTME	ENTC / L	/	TAL 1					
ADJUS I MI	ENIS (+)	/-) TO SUBTO tained by multiplying	TIAL I the Total Base De	nalty (Subtotal 1) by the indicated ne	rcentage		
	pliance Hi		the rotal base re	100.0%	Adjustment		tals 2, 3, & 7	\$150
33,			or six NOVs w		similar violations]	7-55
		with dissimila		•	der containing a	•		
	Notes	liability, and thre	•	•				
		mabiney, and em	_	erformer class	-	. Reduction		
			Tor Trigit i	errormer elass	incación.		J	
Culpa	ability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	pondent does	not meet the	culpability crite	ria.		
							l	
Good	d Faith Eff	ort to Comply To	tal Adiustme	ents			Subtotal 5	\$0
			,					7.5
Econ	omic Ben	efit Total EB Amounts	# 0		Enhancement* d at the Total EB \$ A	mount	Subtotal 6	\$0
	Estimated	I Cost of Compliance	\$0 \$0	Сарре	u at the Total ED \$ A	imount		
		_	<u> </u>					
SUM OF SI	UBTOTA	LS 1-7				F	inal Subtotal	\$300
				_				
		AS JUSTICE M		RE	0.0%		Adjustment	\$0
Reduces or enha	nces the Final	Subtotal by the indica	ited percentage.				 1	
	Notes							
						Final Dar	oolty Amount	¢200
						rınaı Per	nalty Amount	\$300
STATUTOR	RYITMTT	T ADJUSTMEN	т			Final Asse	ssed Penalty	\$300
SIAIOIO	/ L PTI.IT	ADJUSTICI				i iiiai ASSC	3360 Fenalty	Ψ300
DEFERRAL					0.0%	Reduction	Adjustment	\$0
		nalty by the indicated	percentage.		010 /0	Academon	, ajastiiteite	Ψ0

No deferral is recommended for Findings Orders.

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 2)

Case ID No. 48883

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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		75%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

I		Environmental management systems in place for one year or more	No	0%
	Other	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%

	Scree	ening Date	29-Jun-2021		Doc	cket No. 2021-0856-PWS-E	PCW
	R	espondent	FOREST WATE	R SUPPLY COR	RPORATION (F	PCW No. 2)	Policy Revision 5 (January 28, 2021
	C	ase ID No.	48883				PCW Revision February 11, 202
Reg.	Ent. Refe	erence No.	RN101183465				
			Public Water S	,			
	Enf. Co	oordinator	Amanda Conne	er			
	Viola	tion Number	1]			
		Rule Cite(s)		.0315(c), and	TCEQ Agreed)(1)(C)(iv), Tex. Health & Safety I Order Docket No. 2018-0281-P sion No. 2.c.ii	
	Violation	Description	Specifically,	the Facility ha	d 187 service	pacity of 20 gallons per connecti connections, requiring a pressu 2,000 gallons were provided, in eficiency.	<mark>ire tank</mark>
						Base	Penalty \$1,00
>> Env	/ironmen	ital, Prope	rty and Hum		Matrix		
		D-1-	NA	Harm	M: ··		
OR		Release Actual		Moderate	Minor		
		Potential		Х		Percent 5.0%	
						3.070	
>>Prog	grammat	ic Matrix					
		Falsification	Major	Moderate	Minor		
	ļ L					Percent 0.0%	
		Eniling to pro	vido adoguato	araccura tank	canacity may	sauce back sinbonage and law	250000
	Matrix Notes		xpose persons s	served by the	Facility to a si	cause back siphonage and low pignificant amount of contaminane of human health.	
						Adjustment	\$950
						Aujustinent	4930
							\$5
Violatio	on Event	_					
violatio	on Event	S					
		Number of \	/iolation Events	3	1 [193 Number of violation of	davs
					9 E		,
			daily				
			weekly				
			monthly quarterly			Violation Base	Penalty \$15
			semiannual	X		Violation base	\$15
			annual				
			single event				
	i i						
		Three quart	erly events are	recommended	d, calculated f	from the effective date of TCEQ	<mark>Agreed</mark>
		Orde	er Docket No. 2	018-0281-PW	S-E, February	19, 2019, to August 31, 2019.	
	L				_		
Good F	aith Effo	rts to Com		0.0%		R	Reduction \$
				Before NOE/NOV	NOE/NOV to ED	DPRP/Settlement Offer	
			Extraordinary				
			Ordinary				
			N/A	X	<u> </u>		
			Notes	The Respon		t meet the good faith criteria s violation.	
						Violation	Subtotal \$15
Econon	nic Bene	fit (EB) for	this violati	on		Statutory Limit	Test
					10	-	
		Estimate	ed EB Amount		\$0	Violation Final Pena	Ity Total \$30
				This viola	ation Final A	ssessed Penalty (adjusted fo	or limits) \$30

	E	conomic	Benefit	Wor	ksheet		
The state of the s		R SUPPLY CORPO	RATION (PCW I	No. 2)			
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description	rtem cost	Date Required	rmar bacc	5	Interest saved	costs savea	LD Amount
Item Description							
Delayed Costs							
Equipment		1 1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$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 delaye					east 20 gallons per o No. 2 on PCW No. 3	
Avoided Costs	ANNU	ALIZE avoided co	osts before er	tering		one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed) Notes for AVOIDED costs		JI II		0.00	\$0	\$0	\$0
Approx. Cost of Compliance		\$0			TOTAL		\$0



SUM OF SUBTOTALS 1-7

Notes

Notes

PAYABLE PENALTY

DEFERRAL

STATUTORY LIMIT ADJUSTMENT

Reduces the Final Assessed Penalty by the indicated percentage.

OTHER FACTORS AS JUSTICE MAY REQUIRE

Reduces or enhances the Final Subtotal by the indicated percentage.

S COMMISSION			•	alculatio	n Works	heet (PC	•		
ELIPONMENTAL QU	Policy Revi	sion 5 (January 28, 2	021)				PCW Rev	rision February	/ 11, 2021
DATES	Assigned			20.1					
	PCW	30-Jun-2021	Screening	29-Jun-2021	EPA Due				
RESPO		TY INFORMATION							
	Respondent	FOREST WATER S	SUPPLY CORP	ORATION (PCV	V No. 3)]
	g. Ent. Ref. No. ty/Site Region				Major /	Minor Source	Minor		
ГаСШ	ty/Site Region	5-Tyler			мајог/ г	Minor Source	MILIOI		
	NFORMATION								_
En	f./Case ID No.				No.	of Violations			
Med		2021-0856-PWS- Public Water Sup			Governmen	Order Type t/Non-Profit			
rieu	Multi-Media	Tublic Water Sup	рту				Amanda Conne	er	
	•	-					Enforcement T]
Adr	min. Penalty \$ L	_imit Minimum	\$50	Maximum	\$5,000				
			Penalt	y Calcula	tion Secti	on			
TOTAL	L BASE PENA	LTY (Sum of	violation l	, base penal	ties)		Subtotal 1		\$2,500
ADJU9	STMENTS (+)	/-) TO SUBTO	TAL 1						
	Subtotals 2-7 are ob	tained by multiplying		enalty (Subtotal 1) by the indicated ¡				
	Compliance His			100.0%	Adjustment		tals 2, 3, & 7		\$2,500
	Notes	Enhancement f with dissimila liability, and thro	ar violations, ee agreed ord	one agreed or	der containing a denial of liabilit	a denial of			
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
	Notes	The Res	spondent doe	s not meet the	culpability crit	eria.			
	Good Faith Effo	ort to Comply To	otal Adjustm	ents			Subtotal 5		\$0
		. ,							
	Economic Bene	efit		0.0%	Enhancement*		Subtotal 6		\$0
		Total EB Amounts	\$1,890		d at the Total EB \$	Amount			

Final Subtotal

Final Penalty Amount

Final Assessed Penalty

Reduction

Adjustment

Adjustment

0.0%

0.0%

No deferral is recommended for Findings Orders.

\$5,000

\$5,000

\$5,000

\$5,000

\$0

\$0

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 3)

Case ID No. 48883

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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		75%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	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 D	ate 29-Jun-2021	Docket No.	2021-0856-PWS-E	PCW
	Respond	ent FOREST WATER SU	PPLY CORPORATION (PCW No. 3)	Policy	Revision 5 (January 28, 2021)
	Case ID	lo. 48883		P	CW Revision February 11, 2021
Reg.	Ent. Reference	No. RN101183465			
		dia Public Water Supply	/		
		tor Amanda Conner			
	Violation Num	ber 1			-
	Rule Cite	30 Tex. Admin. Co	de § 290.39(j) and TCEQ Agreed PWS-E, Ordering Provision No		
	Violation Descrip	significant change pressure maintena	Executive Director and receive arge or addition to the system's produce, or distribution facilities. Speemps, and pressure filter were insta	duction, treatment, storage, ecifically, a new transfer tank,	
				Base Penalty	\$5,000
>> Env	vironmental, Pro	perty and Human	Health Matrix		
			Harm		
OR	Rele	ase Major M tual	oderate Minor		
OK	Pote			Percent 0.0%	
	rote	iciai		0.0%	
>>Prog	grammatic Matri	X			
_	Falsificat		oderate Minor		
		Х		Percent 10.0%	
	Matrix	100% c	f the rule requirements were not i	met.	1
	Notes		·		
					=
			Adj	ustment \$4,500)
					\$500
Violatio	on Events				
	Numba	of Violation Events	1	Number of violation days	
	Numbe	of Violation Events	1 861	Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly		Violation Base Penalty	\$500
		semiannual annual			
		single event	X		
		<u> </u>			_
		Oı	ne single event is recommended.		
Good Fa	aith Efforts to C	omply	0.0%	Reduction	\$0
		Befor	e NOE/NOV to EDPRP/Settleme		
		Extraordinary			
		Ordinary			
		N/A	х		
		The	Respondent does not meet the go	ood faith criteria for	
		Notes	this violation.		
				Violation Subtota	I \$500
Econon	nic Benefit (EB)	for this violation		Statutory Limit Test	
	Esti	mated EB Amount	\$567	Violation Final Penalty Total	\$1,000
			This violation Final Assessed F	Penalty (adjusted for limits)	\$1,000
					7 = 7 = 3

	E	conomic	Benefit	Wo	rksheet		
		R SUPPLY CORPO	RATION (PCW	No. 3)			
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation
7.0.00.011						5.0	15
	Thom Cost	Date Required	Einal Data	Vec	Interest Saved	Costs Saved	EB Amount
Thomas Documentions	Item Cost	Date Required	Final Date	Yrs	Interest Saveu	Costs Saveu	EB Allioulit
Item Description							
Delayed Costs		1		1 0 00	L +0	40	40
Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Engineering/Construction				0.00	\$0 \$0	\$0 \$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
	The delay	ed cost includes tl	he estimated ar	mount t	o notify and receiv	e approval from the	e Executive
Notes for DELAYED costs	Director fo	r the significant c	hanges to the v	vater sy	stem, calculated f	rom the effective da	ate of TCEO
		_	_		•	ed date of complian	<u> </u>
						·	
Avoided Costs	ANNUA	LIZE avoided co	osts before en			one-time avoide	-
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
, (ac,		<u>'</u>		, 0.00	Ψ-	<u> </u>	***
Notes for AVOIDED costs							
Approx Cost of Compliance		42 000			TOTAL		¢567
Approx. Cost of Compliance		\$3,000			TOTAL		\$567

Respondent FORCST WATER SUPFLY CORPORATION (PCW No. 3) New Review S (Stawary 12, 2021 Reg. Ent. Reference No. RH101133455 Media Public Water Supply Enf. Coordinator Amanda Conner Violation Number 2 3 Torx. Admin. Code § 290.45(b)(1)(C)(W), Tex. Health N Salety Code § 341.0315(C), and TCEQ Agreed Order Docket No. 2018-0281-PVS-E, Ordering Provision No. 2.c.i) Folicit to provide a pressure tank capacity of 2,000 was provided, indicating a 47% deficiency. Potential Potential Number of Violation Potents Major Moderate Minor Percent 5,0% >> Programmatic Matrix Number of Violation Events Number of Violation Events Number of Violation Events Number of Violation Events 8 Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply 64 Amount 94, 2001 with September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply 10,0% Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply 64 Amount 94, 2001 with September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Fight quarterly events are recommended and the provided and the provid	Screening Date		Docket No. 2021-0856-P	WS-E PCW
Reg. Ent. Reference No. Millo1183445 Media Dublic Water Supply Enf. Coordinator Amunic Corner Violation Number Rule Cite(s) 30 Tex. Admin. Code § 290.45(h)(1)(C)(v), Tex. Health & Safety Code § 341.0315(C), and TCRQ Agreed Order Docket No. 2018-0281-PWS-F, Ordering Provision No. 2.C.II Falled 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% officiency. **Septimentally** **Percent** OR** **Release** **Major** Moderate** **Matrix** Potential** **Palling to provide adequate pressure tank capacity may cause back siphonage and low pressure that may expose persons served by the Facility to a significant emicuni of conteminants that would not exceed levels protective of human health. **Violation Events** **Number of Violation Events** *	Responden	t FOREST WATER SUPPLY CO	ORPORATION (PCW No. 3)	Policy Revision 5 (January 28, 2021)
Media Public Water Supply				PCW Revision February 11, 2021
Solution Number 2 30 Tex. Admin. Code § 290.45(b)(1)(C)(v), Tex. Health & Safety Code § 341.0315(c), and TCPQ Agreed Order Docket No. 2018-0281-PWS-F, Code § 341.0315(c), and TCPQ Agreed Order Docket No. 2018-0281-PWS-F, Ordering Provision No. 2.c.ii	Reg. Ent. Reference No	RN101183465		
Violation Number 2 30 fex. Admin. Code § 290.45(b)(1)(C)(W), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2018-0281-PWS-E, Ordering Provision No. 2.cil	Media	Public Water Supply		
Solution	Enf. Coordinato	r Amanda Conner		
Code § 341.0315(c), Ondering Provision to 2.018-0281-PWS-E, Ondering Provision to 2.018 or 2018-0281-PWS-E, Ondering Provision to 2.018 or 2018-PWS-E, Ondering Provision to 2.018 or 2018-PWS-E, Ondering Provision to 2.01	Violation Numbe	r 2		
Violation Description 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. Sase Penalty S5,000 >> Environmental, Property and Human Health Matrix Harm OR Release Major Moderate Minor Percent 5,0% >> Percent 5,0% >> Percent 0,0% Matrix Falification Major Moderate Minor Falification Major Moderate Minor Falification Foreign Freshret Binor Falification Foreign Freshret Binor Falification Foreign Freshret Binor Falification Freshret Minor Falification Freshret Freshret Tank Falification Freshret	Rule Cite(s		- ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' ' '	
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 Harm Release Major Moderate Minor		Code § 341.0315(c), an		0281-PWS-E,
Violation Description 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. Sase Penalty S5,000			Ordering Provision No. 2.c.ii	
Violation Description 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. Sase Penalty S5,000		Failed to musicide a m	wasan wa tank as as situ of 20 sallana nan	
Capacity of 3,740 gallons. However, only 2,000 was provided, indicating a 47% deficiency. Base Penalty \$5,000		· · · · · · · · · · · · · · · · · · ·		
Sase Penalty \$5,000	Violation Description	n II	· · · · · · · · · · · · · · · · · · ·	
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential x Percent 5.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Matrix Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Falsification 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. **Yiolation Events** Number of Violation Events 8 861 Number of violation days **daily weekly monthly quarterly semiannual single event		copercity of the gament		
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential x Percent 5.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Matrix Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Falsification 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. **Yiolation Events** Number of Violation Events 8 861 Number of violation days **daily weekly monthly quarterly semiannual single event			·	
>> Environmental, Property and Human Health Matrix Harm Release Major Moderate Minor Actual Potential x Percent 5.0% >> Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Matrix Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Falsification Major Moderate Minor Falsification 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. **Yiolation Events** Number of Violation Events 8 861 Number of violation days **daily weekly monthly quarterly semiannual single event				Baca Baraltus dE 000
Number of Violation Events Samurantial annual annual single event Samurantial annual an				base relially \$5,000
Release Major Moderate Minor Potential X Percent 5.0% >>Programmatic Matrix Falsification Major Moderate Minor Fercent 0.0% Adjustment \$4,750 \$250 Violation Events Number of Violation Events 8 861 Number of violation days daily weekly monthly Quarterly X Seniamual Single event Wiolation 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 NOC/NOV NOE/NOV to EDPRE/Settlement Offer Extraordinary Ordinary Notes The Respondent does not meet the good faith criteria for this violation. Violation Subtotal \$2,000 Economic Benefit (EB) for this violation \$3,000 Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000	>> Environmental, Prope	-	h Matrix	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Falsification Major Moderate Minor Percent 0.0%	Paless		Minor	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Falsification Major Moderate Minor Percent 0.0% Matrix Notes Falsification Major Moderate Minor Percent 0.0% Adjustment \$4,750 Violation Events Number of Violation Events 8 861 Number of violation days Adjustment \$4,750 Violation Base Penalty \$2,000 Falsification Events 8 861 Number of violation days Falsification Major Moderate Minor Percent 0.0% Falsification Major Moderate Minor Major Major Major Major Minor Percent 0.0% Falsification Major			Pilitor	
>>Programmatic Matrix Falsification Major Moderate Minor Percent 0.0% Matrix Notes Falling 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** **S4,750* **S250* Violation Events Number of Violation Events **Number of Violation Events* Number of Violation Events **S4,750* **S250* Violation Events Number of Violation Events **S4,750* **S250* Violation Events Number of Violation Events **S4,750* **S250* Violation Events **Number of Violation Events **S4,750* **S250* Violation Base Penalty **S2,000* Eight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply **One Percent** **One Perc			Percent	5.0%
Falisification Major Moderate Minor Percent 0.0% Matrix Notes Faliing 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		1		
Falling 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** **Adjustment** **S4,750** **S250** Violation Events** Number of Violation Events** **Number of Violation Events** **S4,750** **Violation Base Penalty** **S2,000** **S2,000** **Sumannual annual				
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	Falsification	Major Moderate		
Watrix Notes 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			Percent	0.0%
Watrix Notes 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	Eniling to p	rovido adoquato proceuro tar	uk canacity may cause back sinbonage ar	ad low proceurs
Notes not exceed levels protective of human health. Adjustment \$4,750 \$250 Violation Events \$250 Violation Events \$861 Number of violation days	Matrix	· · · · · · · · · · · · · · · · · · ·		· · · · · · · · · · · · · · · · · · ·
Violation Events Number of Violation Events Semiannual annual single event Eight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply Ordinary Ordinary N/A 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	Notes Notes		· ·	names that would
Violation Events Number of Violation Events 8 861 Number of violation days daily weekly monthly quarterly x semiannual annual single event				
Number of Violation Events 8 861 Number of violation days daily			Adjustment	\$4,750
Number of Violation Events 8 861 Number of violation days daily				#2 <u>F</u> C
Number of Violation Events 8 861 Number of violation days daily weekly monthly quarterly x semiannual annual single event 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				\$250
Comply C	Violation Events			
Comply C				
Weekly monthly	Number of	Violation Events 8	861 Number of vic	olation days
Weekly monthly		daily	–	
Fight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A 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			-	
Quarterly semiannual annual				
Eight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply			Violatio	n 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 Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A 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 \$4,000		semiannual		-
Eight quarterly events are recommended, calculated from September 1, 2019, to the screening date, June 29, 2021. Good Faith Efforts to Comply Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer Extraordinary Ordinary N/A 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 \$4,000				
Good Faith Efforts to Comply O.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		single event		
Good Faith Efforts to Comply O.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				
Good Faith Efforts to Comply 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	Eight quart	•	· ·	the screening the screening
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		dat	te, June 29, 2021.	
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	Good Egith Efforts to Con	mply		Paduation #C
Extraordinary Ordinary N/A 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	GOOG FAILITEITORIS TO COR			Reduction \$0
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			1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1. 1	
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				
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. Violation Subtotal \$2,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000			adopt door not most the read faith a "	in for
Violation Subtotal \$2,000 Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000		Notes Ine Respon		la lor
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000			cilis violacioti.	
Economic Benefit (EB) for this violation Statutory Limit Test Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000			Vio	plation Subtotal \$2.000
Estimated EB Amount \$1,323 Violation Final Penalty Total \$4,000	Feenensia Develle (FD) f	au Alain adala Mara		· · · · · · · · · · · · · · · · · · ·
	Economic Renetit (FR) to	r this violation	Statutory	Limit lest
This violation Final Assessed Penalty (adjusted for limits) \$4.000	Estima	ted EB Amount	\$1,323 Violation Fina	il Penalty Total \$4,000
		This vi	olation Final Assessed Penaltv (adiu	sted for limits) \$4.000

	E	conomic	Benefit	Wo	rksheet		
		R SUPPLY CORPO	RATION (PCW I	No. 3)			
Case ID No.							
Reg. Ent. Reference No.							
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
7101410111101						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		•					
20011 2 00 011 4 010 11							
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 Training/Sampling				0.00	\$0 \$0	n/a n/a	<u>\$0</u> \$0
Remediation/Disposal		1		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	20 gallons į	per connection, ca 028	lculated from th 31-PWS-E to th	ne effec e estim	tive date of TCEQ ated date of comp		et No. 2018-
Avoided Costs	ANNUA	LIZE avoided co	osts before en	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling		<u> </u>		0.00	\$0	\$0 *0	\$0
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
ONE-TIME avoided costs				0.00	\$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0	\$0 \$0	\$0
Notes for AVOIDED costs		,		0.00	**************************************		
Approx. Cost of Compliance		\$5,000			TOTAL		\$1,323



PAYABLE PENALTY

Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

\$400

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

RESPO		TY INFORMATIO							
	Respondent	FOREST WATER S	UPPLY CORPORA	TION (PC)	N No. 4)				
	g. Ent. Ref. No.				-				
Facili	ty/Site Region	5-Tyler			Major/N	inor Source	Minor		
	NFORMATION								
En	f./Case ID No.				No.	of Violations			
	Docket No.	2021-0856-PWS-I	E			Order Type	Findings		
Med	dia Program(s)	Public Water Supp	oly			t/Non-Profit			
	Multi-Media				Enf.		Amanda Conne		
	•	_			_	EC's Team	Enforcement Te	eam 2	
Adı	min. Penalty \$ I	Limit Minimum	\$50 Ma x	cimum	\$1,000				
			Donalty (Calcula	tion Secti	on			
						OH			
TOTA	L BASE PENA	LTY (Sum of v	violation bas	e penal	ties)		Subtotal 1	\$	200
		•		•	•		_		
ADJUS	STMENTS (+)	/-) TO SUBTO	TAL 1						
	Subtotals 2-7 are ob	tained by multiplying t	the Total Base Penalt	y (Subtotal 1) by the indicated p	percentage.			
	Compliance His			100.0%			tals 2, 3, & 7	\$	\$200
			or six NOVs with						
	Notes		r violations, one						
	140003	liability, and thre				y. Reduction			
			for High Perfo	rmer class	sification.				
	·						ı		
	Culpability	No		0.0%	Enhancement		Subtotal 4		\$0
							_		
	Notes	The Res	pondent does no	t meet the	culpability crite	eria.			
							_		
	Good Faith Effe	ort to Comply To	tal Adjustment	S			Subtotal 5		\$0
							_		
	Economic Bene				Enhancement*		Subtotal 6		\$0
	Catina ata d	Total EB Amounts	\$56	*Cappe	ed at the Total EB \$	Amount			
	Estimated	Cost of Compliance	\$189						
CLINA (OF CURTOTAL					_			100
SUM (OF SUBTOTAL	LS 1-/				F	inal Subtotal	<u> </u>	400
							_		
OTHE	R FACTORS A	AS JUSTICE MA	AY REQUIRE		0.0%		Adjustment		\$0
		Subtotal by the indica					_		
	Notes								
	110105								
						Final Por	l nalty Amount	¢	400
						rillai Pei	iaity Amount [-)400
CTATI	ITODY I TMT	- ADJUCTMEN	_						100
SIAIL	DIOKA LIMII	ADJUSTMEN	l			Final Asse	ssed Penalty	<u> </u>	400
DEFE	RRAL				0.0%	Reduction	Adjustment		\$0

DEFERRAL
Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

Adjustment

Reduction Adjustment

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Case ID No. 48883

Reg. Ent. Reference No. RN101183465

Media Public Water Supply

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 4)

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%
	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission		75%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government		0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)		0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	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%

	Scree	ening Date	29-Jun-2021		Docke	t No. 2021-0856-PWS-E		PCW
	Re	espondent	FOREST WATER	SUPPLY CORE	PORATION (PCW	No. 4)	Policy I	Revision 5 (January 28, 2021)
	C	ase ID No.	48883				PCI	W Revision February 11, 2021
Reg.	Ent. Refe	erence No.	RN101183465					
		Media	Public Water Su	ıpply				
	Enf. Co		Amanda Conne					
	Violat	tion Number	1					
		Rule Cite(s)						
		Rule Cite(s)		30 Tex. Admi	n. Code § 290.1	10(e)(4)(A) and (f)(3)		
			Failed to subm	nit a Disinfectio	n Level Quarter	ly Operating Report ("DLQ	OR") to the	
	Violation	Description	Executive Direct	•	•	onth following the end of e	ach quarter	
for the first and second quarter of 2019.								
						Ва	se Penalty	\$1,000
\	dronma.	tal Duaman	the small House	on Hoolek s	Antriv			
>> Env	/ironmen	tai, Proper	ty and Huma	an Health N Harm	ratrix			
		Release	Major	Harm Moderate	Minor			
OR		Actual		115451416				
		Potential				Percent 0.0%	Ó	
							_	
>>Prog	grammat	ic Matrix						
	-	Falsification	Major	Moderate	Minor	_	_	
	L		Х			Percent 10.0%	o	
	Matrix		100	.0/ 6.1				
	Notes		100	% of the rule	requirements we	ere not met.		
	L							
						Adjustment	\$900	
						Adjustificite	Ψ300	
								\$100
> e1								
Violatio	on Events	5						
		Number of \	Violation Events	2		Number of violation	n davs	
		Number of	violation Events	2		Number of violation	ii days	
			daily					
			weekly					
			monthly					
			quarterly			Violation Ba	se Penalty	\$200
			semiannual					
			annual					
			single event	X				
			Two single ev	ents are recon	nmended, one fo	or each missed report.		
			_		•	•		
Good Fa	aith Effor	rts to Com	_	0.0%			Reduction	\$0
			The state of the s		NOE/NOV to EDPRP	/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	Х			-	
				The Responde	ent does not mee	et the good faith criteria fo	r	
			Notes	·	this viola			
						Violatio	n Subtotal	\$200
						Tiolatic		Ψ200
Econon	nic Benef	it (EB) for	this violatio	n		Statutory Limi	it Test	
		Pating -	od ED A		4 FC	\/!alat!au P!		+400
		Estimat	ed EB Amount		\$56	Violation Final Pe	iiaity lotal	\$400
				This viola	ation Final Ass	essed Penalty (adjusted	for limits)	\$400
								, , , ,

	E	conomic	Benefit	Woi	'ksheet		
Respondent	FOREST WATE	R SUPPLY CORPO	RATION (PCW I	No. 4)			
Case ID No.	48883		•	•			
Reg. Ent. Reference No.		I					
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
200200							
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
other (as needed)		<u> </u>		<u>, </u>			
	•					operational guidan	
Notes for DELAYED costs	employee ti	aining to ensure t	hat all DLQORs	are sub	mitted to the TCE	Q in a timely manne	er, calculated
		from the re	ecord review da	te to the	e estimated date o	of compliance.	
Avoided Costs	ANNII	ALIZE avoided co	nsts hefore en	terina	item (except for	one-time avoided	d costs)
Disposal	Anno	TELLE AVOIDED C	betore en	0.00	\$0	\$0	\$0
Personnel				0.00	\$0 \$0	\$0 \$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
	Each avoided	cost includes the	estimated amo	unt to p	repare and submi	t a DLQOR (\$22 per	DLQOR x one
Notes for AVOIDED costs						the date of screen	
		,,			,		
Approx. Cost of Compliance		\$189			TOTAL		\$56
Approx. Cost of Compilative		φισσ			IOIAL	L	φ.σ.σ.



Penalty Calculation Worksheet (PCW)

THE POWMENTAL CONTE	Policy Revis	sion 5 (January 28, .	2021)		PCW Revision February 11, 202
DATES	Assigned	21-Jun-2021			
	PCW	30-Jun-2021	Screening 29-Jun-2021	EPA Due 30-Jun-2021	
	-		· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	
		<u> TY INFORMATI</u>			
			SUPPLY CORPORATION (PC)	N No. 5)	
		RN101183465	•	·	
Facility/9	Site Region	5-Tyler		Major/Minor Source Mir	nor
CACE THEO	DMATION				

CASE INFORMATION	<u></u>
Enf./Case ID No. 48883	No. of Violations 3
Docket No. 2021-0856-PWS-E	Order Type Findings
Media Program(s) Public Water Supply	Government/Non-Profit Yes
Multi-Media	Enf. Coordinator Amanda Conner
	EC's Team Enforcement Team 2
Admin. Penalty \$ Limit Minimum \$50 Maximum	\$5,000

Ad	min. Penaity \$	Limit Minimum	1 \$50 M a	axımum	\$5,000				
			Penalty	Calcula	tion Section	n			
TOTA	L BASE PENA	ALTY (Sum o	f violation ba	se penal	ties)		Subtotal 1	\$4,500	
ADJU	STMENTS (+	/-) TO SUBT	OTAL 1						
	Subtotals 2-7 are o Compliance Hi	btained by multiplyir	ng the Total Base Pena	alty (Subtotal 1	l) by the indicated pe Adjustment		otals 2, 3, & 7	\$4,500	
	Notes	Enhancement with dissim	t for six NOVs wit ilar violations, on nree agreed order for High Per	h the same/ e agreed or s without a	similar violations der containing a denial of liability	s, one NOV denial of		φ. 1 /300	
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0	
Notes The Respondent does not meet the culpability criteria.									
Good Faith Effort to Comply Total Adjustments Subtotal 5									
	Economic Ben	efit Total EB Amounts	\$782		Enhancement* ed at the Total EB \$ A	lmount	Subtotal 6	\$0	
	Estimate	d Cost of Compliance	Ψ, υ_	Сарре	u at the Total LD \$ F	imount			
SUM	OF SUBTOTA	LS 1-7				ı	Final Subtotal	\$9,000	
	R FACTORS A		MAY REQUIR licated percentage.	E	0.0%		Adjustment	\$0	
	Notes								
						Final Pe	nalty Amount	\$9,000	
STAT	UTORY LIMI	T ADJUSTME	NT			Final Asse	essed Penalty	\$9,000	
DEFE					0.0%	Reduction	Adjustment	\$0	
Reduces	the Final Assessed Pe		ed percentage. deferral is recom	mended for	Findings Orders				
ΡΔΥΔ	BLE PENALT	Υ						\$9,000	
		-						7-1-50	

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Respondent FOREST WATER SUPPLY CORPORATION (PCW No. 5)

Case ID No. 48883

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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	3	75%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

	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%

	Screer	ning Date	29-Jun-2021		Dock	et No. 2021-0856-PWS-E	=	PCW
	Res	spondent	FOREST WATER	SUPPLY CORE	PORATION (PCW	/ No. 5)	Policy I	Revision 5 (January 28, 2021)
	Cas	se ID No.	48883				PC	W Revision February 11, 2021
Reg.	Ent. Refer	rence No.	RN101183465					
		Media	Public Water Su	ipply				
	Enf. Co		Amanda Conne					
	Violati	on Number	1					
	R	Rule Cite(s)						
		tale cite(s)		30 Tex. Admi	n. Code § 290.1	110(e)(4)(A) and (f)(3)		
					_	ly Operating Report ("DLQ		
	Violation I	Description		•	•	onth following the end of a		
			TOT LIT	e tilira quarter	or 2019 throug	the fourth quarter of 20	20.	
						D	aca Danaltu	¢Ε 000
						В	ase Penalty	\$5,000
>> Env	/ironmenta	al, Proper	ty and Huma	an Health N	Matrix			
		-	_	Harm				
0.5		Release		Moderate	Minor			
OR		Actual				_		
		Potential				Percent 0.09	%	
>>Droc	grammatio	Matrix						
>>P100	_	alsification	Major	Moderate	Minor			
		aisincation	X	Moderate	MINO	Percent 10.00	%o	
	_					10.0	70	
	Matrix		100	% of the rule	requirements w	ere not met.		
	Notes				·			
						Adjustment	\$4,500	
							г	\$500
							L	\$300
Violatio	on Events							
		Number of \	/iolation Events	6		667 Number of violation	on days	
		I	d = 11					
			daily					
			weekly monthly					
			quarterly			Violation B	ase Penalty	\$3,000
			semiannual				, ,	43/333
			annual					
			single event	Х				
			Civ single ov	anta ara racan	mandad ana fe	or anch missed renert		
			Six siligle eve	ents are recon	imended, one it	or each missed report.		
Good Fa	aith Effort	s to Com	ply	0.0%			Reduction	\$0
			_		NOE/NOV to EDPRE	P/Settlement Offer		
			Extraordinary					
			Ordinary					
			N/A	X				
				The Responde	ent does not me	et the good faith criteria fo	or	
			Notes	c Responde	this vio			
						Violati	on Subtotal	\$3,000
						Violati	on Subtotal	φ3,000
Econon	nic Benefit	t (EB) for	this violatio	n		Statutory Lim	it Test	
		Fetimate	ed EB Amount		\$139	Violation Final Pe	enalty Total	\$6,000
		Latinati	Ca Lo Amount		ΨΙΟΣ	Violation i mai Pt	a.ty iotai	φ 0,000
				This viola	ation Final Ass	essed Penalty (adjusted	d for limits)	\$6,000

	E	conomic	Benefit	Wo	rksheet		
Respondent	FOREST WATE	R SUPPLY CORPO	PRATION (PCW	No. 5)			
Case ID No.	48883						
Reg. Ent. Reference No.	RN101183465	1					
Media Violation No.	Public Water S	Supply				Percent Interest	Years of Depreciation
Violation No.	_					5.0	
	Item Cost	Date Required	Final Date	Vrc	Interest Saved	Costs Saved	EB Amount
Item Description	Item cost	Date Required	i iliai bate	5	Interest Savea	COSIS SUVCU	LD Amount
Item Description							
Delayed Costs							
Delayed Costs Equipment				0.00	\$0	\$0	ΦO
Buildings				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Other (as needed)				0.00	\$0	\$0 \$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
	The delayed	cost to update th	ne Facility's ope	rational	guidance and con-	duct employee trair	ing to ensure
Notes for DELAYED costs	that all DL	OORs are submit	ted to the TCEO) in a ti	mely manner is as	sessed in the Econo	mic Benefit
		=		_	n No. 1 on PCW No		
Avoided Costs	ANNUA	LIZE avoided c	osts before er			r one-time avoide	
Disposal				0.00	\$0	\$0	\$0
Personnel Inspection/Reporting/Sampling				0.00	\$0 \$0	\$0 \$0	<u>\$0</u> \$0
Supplies/Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0
ONE-TIME avoided costs	\$136	10-Jan-2021	29-Jun-2021	0.47	\$3	\$136	\$139
Other (as needed)	Ψ130	10 3411 2021	ZJ Jan ZoZi	0.00	\$0	\$0	\$0
,		<u>-</u>			 	* * * * * * * * * * * * * * * * * * * *	7.5
	The avoided	cost includes the	estimated amo	unt to n	repare and submit	t a DLQOR ((\$22 pe	r DLOOR x six
Notes for AVOIDED costs					•	was due to the date	_
	reports) and	decraca interest)	, calculated 1101	ii ciic a	ate the last report	was add to the date	s or sercenning.
<u> </u>							
Approx Cost of Compliance		¢126			TOTAL		¢120
Approx. Cost of Compliance		\$136			TOTAL		\$139

	Screening Date			2021-0856-PWS-E	PCW
	Respondent	FOREST WATER SUPPL	Y 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	2			
	Rule Cite(s)	30 Tex.	Admin. Code § 290.117(c)(2)	(C), (h), and (i)(1)	
	Violation Description	Failed to collect lead a the samples analyz	nd copper tap samples at the ed, and report the results to t 017 through December 31, 20	required ten sample site the Executive Director fo	· ·
				Base I	Penalty \$5,000
>> En	vironmental, Prope	rty and Human H	ealth Matrix		
		Hai	rm		
OR	Release		erate Minor		
OK	Actual Potential			Percent 15.0%	
	Potential	Х		15.0%	
>>Pro	grammatic Matrix				
,,,,	Falsification	Major Mode	erate Minor		
				Percent 0.0%	
		• • • • • • • • • • • • • • • • • • • •	tap samples could expose per hich would exceed level prote	•	ty to
			A	djustment	\$4,250
			-		
					\$750
Violati	on Events				
Violati	on Events				
	Number of \	Violation Events 1	1095	Number of violation da	nys
		daily weekly monthly quarterly semiannual annual single event x		Violation Base I	Penalty \$750
		One :	single event is recommended.		
Good F	aith Efforts to Com	iply	0.0%	Re	duction \$0
		Before NO	E/NOV NOE/NOV to EDPRP/Settlen	nent Offer	
		Extraordinary			
		Ordinary			
		N/A x			
		Notes The Re	espondent does not meet the this violation.	good faith criteria for	
				Violation S	ubtotal \$750
Econor	mic Benefit (EB) for	this violation		Statutory Limit 1	Test
		ed EB Amount	\$332	Violation Final Penalt	y Total \$1,500
	Estillat		 		
		Th	is violation Final Assessed	Penalty (adjusted for	limits) \$1,500

	E	conomic	Benefit	Wo	rksheet		
Respondent	FOREST WATE	R SUPPLY CORPO	RATION (PCW	No. 5)			
Case ID No.	48883						
Reg. Ent. Reference No.	RN101183465						
Media Violation No.	Public Water S 2	Supply				Percent Interest	Years of Depreciation
						5.0	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description		zato noquii cu	2 4 6 6				
Item Description							
Delayed Costs							
Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0 \$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	<u>\$0</u>	n/a	\$0
						ements to the Facil	
Notes for DELAYED costs		-	• •	_		lead and copper tap	
	collected	, , ,		•	•	rted to the Executiv	e Director,
		calculated from	the record revi	ew date	to the estimated	date of compliance.	
Avoided Costs	ANNUA	LIZE avoided co	osts before er	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0 \$0	\$0	\$0
Financial Assurance ONE-TIME avoided costs	\$300	30-Sep-2019	29-Jun-2021	0.00	\$0 \$ 27	\$0 \$300	\$0 \$327
Other (as needed)	\$300	30-Sep-2019	29-Juli-2021	0.00	\$27 \$0	\$300 \$0	\$327 \$0
other (as needed)				-	·	•	
	The avoid ϵ	ed costs include th	ne estimated ar	nount to	o collect and have	analyzed the requir	ed lead and
Notes for AVOIDED costs	copper tap sar	mples (\$30 per sa	ample x ten req	uired sa	amples x one moni	toring period), calcu	ulated from the
			sampling due	date to	the screening date	e.	
		, , 1					
Approx. Cost of Compliance		\$400			TOTAL		\$332

		ning Date					2021-0856-PWS-E		PCW
	Re	espondent	FOREST WATER	SUPPLY COP	RPORATION (P	CW No. 5)		Policy Revi	sion 5 (January 28, 2021)
	Ca	ase ID No.	48883					PCW R	evision February 11, 2021
Reg.	Ent. Refe	erence No.	RN101183465						
		Media	Public Water Su	pply					
	Enf. Co	ordinator	Amanda Connei	-					
	Violat	ion Number	3						
		Rule Cite(s)	3() Tex Admin	Code 8 290 1	17(c)(2)(B	s), (h), and (i)(1)		
			3.	, rext rannin	. code 3 23013	17(0)(2)(0	,,, (11), and (1)(1)		
	Violation	Description	have the sampl	es analyzed,	and report the	e results to	e required ten sample the Executive Directo 20 monitoring period.	or for the	
							Base	Penalty	\$5,000
>> Env	vironmen	ital, Prope	rty and Hum	an Health	Matrix				
		, т торс	icy and main	Harm					
		Release	Major	Moderate	Minor				
OR		Actual					_		
		Potential	Х				Percent 15.0%		
>> Dro	arammal	ic Matrix							
//PIU	gi allilliai	Falsification	Major	Moderate	Minor				
		Taisincation	Major	Hoderate	1411101		Percent 0.0%		
							0.0.0		
		E 11 .						-1-1	
	Matrix Notes				•	•	ons served by the Factive of human health.		
	notes	unde	rtected containin	iants which w	ould exceed is	ever protect	ive or numan nearm.		
						Adj	ustment	\$4,250	
									\$750
									Ψ, 50
Violation	on Event	s							
					i (=		L		
		Number of V	iolation Events	1		365	Number of violation o	days	
			daily weekly monthly quarterly semiannual annual single event	X			Violation Base	e Penalty	\$750
	F								
				One single	event is recon	nmended.			
Good F	aith Effo	rts to Com	ply	0.0%			R	Reduction	\$0
				efore NOE/NOV		PRP/Settleme			т •
			Extraordinary						
			Ordinary						
			N/A	Х					
			Notes	The Respond		neet the go	ood faith criteria for		
			L				Violation	Subtotal	\$750
Fconor	nic Ranc	fit (FR) for	this violation	nn -			Statutory Limit		47.50
LCOHOL	THE DELIE	iit (EB) 101	cilis violatio	711			Statutory Limit	1 CSL	
		Estimate	ed EB Amount		\$311	V	iolation Final Pena	Ity Total	\$1,500
				This viol	ation Final A	ssessed P	enalty (adjusted fo	or limits)	\$1,500

	E	conomic	Benefit	Wo	rksheet			
	FOREST WATER SUPPLY CORPORATION (PCW No. 5)							
Case ID No.								
Reg. Ent. Reference No.								
Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description		•						
•								
Delayed Costs				_				
Équipment				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 #0	n/a	\$0	
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a n/a	\$0 \$0	
Permit Costs				0.00	\$0	n/a	\$0	
Other (as needed)				0.00	\$0 \$0	n/a	\$0	
Caner (as neceeu)	The delayed	cost to impleme	nt improvemen					
	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 process procedures, guidance, training, and/or oversight to ensure that future lead and copper tap samples are collected by 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							
Notes for DELAYED costs								
	personnel, analyzed, and the results reported to the Executive Director is assessed in the Economic Benefit Worksheet for Violation No. 2.						e Leonomic	
Avoided Costs	ANNUA	LIZE avoided co				one-time avoide	d costs)	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0	
Supplies/Equipment				0.00	\$0	\$0	\$0	
Financial Assurance				0.00	\$0	\$0	\$0	
ONE-TIME avoided costs	\$300	30-Sep-2020	29-Jun-2021	0.75	\$11	\$300	\$311	
Other (as needed)				0.00	\$0	\$0	\$0	
	The avoided costs include the estimated amount to collect and have analyzed the required lead and							
Notes for AVOIDED costs								
Notes for Avoided costs	copper tap samples (\$30 per sample x ten required samples x one monitoring period), calculated from the						liated from the	
	sampling due date to the screening date.							
<u>'</u>								
Approx. Cost of Compliance		\$300			TOTAL		\$311	
	L	1000					1	

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



Compliance History Report

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

Customer, Respondent, CN600630743, FOREST WATER SUPPLY Classification: HIGH Rating: 0.00

or Owner/Operator: CORPORATION

Regulated Entity: Classification: HIGH Rating: 0.00 RN101183465, FOREST WSC

Complexity Points: 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 **WATER LICENSING LICENSE 0370019**

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

NO

2) Has there been a (known) change in ownership/operator of the site during the compliance period?

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

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

Effective Date: 09/11/2017 ADMINORDER 2017-0089-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major

30 TAC Chapter 290, SubChapter F 290,115(f)(1)

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

Rgmt 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

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)

Rgmt 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.

1 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).

2 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.

3 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 guarter 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 guarter 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	§	BEFORE THE
ENFORCEMENT ACTION	8	
CONCERNING		TEXA C COMMITCOLONI ON
FOREST WATER SUPPLY	§	TEXAS COMMISSION ON
CORPORATION	§	
RN101183465	§	ENVIRONMENTAL QUALITY

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

On	, the Texas Commission on Environmental Quality ("the
Commission" or "TCE	") considered this agreement of the parties, resolving an enforcement
action regarding FORI	ST WATER SUPPLY CORPORATION (the "Respondent") under the
authority of Tex. HEAI	TH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through
the Enforcement Divis	on, 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 asbuilt 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
	9/14/2022
For the Executive Director	Date
I, the undersigned, have read and understand the attached Order, and I do agree to the terms and acknowledge that the TCEQ, in accepting payment on such representation.	d conditions specified therein. I further
I also understand that failure to comply with the O and/or failure to timely pay the penalty amount, m	ordering Provisions, if any, in this Order nay result in:
 A negative impact on compliance history; Greater scrutiny of any permit applications so Referral of this case to the Attorney General's additional penalties, and/or attorney fees, or Increased penalties in any future enforcement Automatic referral to the Attorney General's of TCEQ seeking other relief as authorized by later 	s Office for contempt, injunctive relief, to a collection agency; at actions; Office of any future enforcement actions: and
In addition, any falsification of any compliance doc	cuments may result in criminal prosecution.
Signature Name (Printed or typed) Authorized Representative of FOREST WATER SUPPLY CORPORATION	3-31-22 Date Vice President Title
$\ \square$ If mailing address has changed, please check to	his box and provide the new address below: