

**Executive Summary – Enforcement Matter – Case No. 61095**  
**Cypress Valley Water Supply Corporation**  
**RN101436616 and RN101184745**  
**Docket No. 2021-0968-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

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

**Media:**

PWS

**Small Business:**

Yes

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

Cypress Valley Water Supply Corporation Plant 1, located on the east side of Farm-to-Market ("FM") Road 1997, 0.3 mile south of the intersection between FM Road 1997 and Macedonia Road, Woodlawn, Harrison County ("Facility No. 1")

Cypress Valley Water Supply Corporation Plant 2, located on the west side of FM Road 1997, 2.5 miles north of Loop 390, Woodlawn, Harrison County ("Facility No. 2")

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: The complainant has expressed an interest in this matter but does not wish to speak at Agenda.

**Texas Register Publication Date:** April 21, 2023

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$3,510

**Total Paid to General Revenue:** \$3,510

**Total Due to General Revenue:** \$0

Payment Plan: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** January 2021

***Investigation Information***

**Complaint Date(s):** October 21, 2021

**Complaint Information:** Alleged odorous and discolored water.

**Date(s) of Investigation:** November 1, 2021 through November 2, 2021 and June 16, 2021

**Date(s) of NOE(s):** July 12, 2021 and November 29, 2021

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***Violation Information***

At Facility No. 1:

1. Failed to provide a device to readily determine air-water-volume for all pressure tanks greater than 1,000 gallons in capacity [30 TEX. ADMIN. CODE § 290.43(d)(3)].
2. Failed to inspect the interior of the pressure tanks at Facility No. 1 at least once every five years [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].
3. Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter (“mg/L”) of free chlorine throughout the distribution system [30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE §341.0315(c)].
4. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director (“ED”) upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iii)].
5. Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day [30 TEX. ADMIN. CODE § 290.110(c)(4)(B)].
6. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].

At Facility No. 2:

7. Failed to provide a well capacity of 0.51 gallons per minute per connection as required by the alternate capacity requirement approved by the ED [30 TEX. ADMIN. CODE § 290.45(g) and (b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
8. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
9. Failed to notify the ED 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 TEX. HEALTH & SAFETY CODE § 341.0351].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

On November 2, 2021, the Respondent began maintaining a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at Facility No. 1.

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**Technical Requirements:**

The Order will require the Respondent to:

1. At Facility No. 1:

a. Within 30 days:

i. Conduct an inspection of the interior of the pressure tank;

ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the records of complaints received by the system and any subsequent complaint investigations;

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

iv. Begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day. This provision will be satisfied upon three months of compliant monitoring.

b. Within 45 days, submit written certification to demonstrate compliance with 1.a.i. through 1.a.iii.

c. Within 60 days, equip the Facility's pressure tank with an air-water-volume indicator.

d. Within 75 days, submit written certification to demonstrate compliance with 1.c.

e. Within 135 days, submit written certification to demonstrate compliance with 1.a.iv.

2. At Facility No. 2:

a. Within 30 days, make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

b. Within 45 days, submit written certification to demonstrate compliance with 2.a.

c. Within 180 days:

i. Provide a well capacity of at least 0.51 gallons per minute per connection as required by the alternate capacity requirement approved by the ED; and

ii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production, treatment, storage, and pressure maintenance facilities, including but not limited to

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discontinuing the chloramine system and switching from Liquid Ammonia Sulfate to free chlorine.

d. Within 195 days, submit written certification to demonstrate compliance with 2.c.

e. Within 270 days, obtain approval of the as-built plans and specifications for the significant changes.

f. Within 285 days, submit written certification to demonstrate compliance with 2.e.

***Contact Information***

**TCEQ Attorney:** N/A

**TCEQ Enforcement Coordinator:** Samantha Salas, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-1543; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

**Respondent:** Waylon Buchanan, Jr., President, Cypress Valley Water Supply Corporation, 7669 FM Road 1997 North, Marshall, Texas 75670

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



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	29-Nov-2021		
	<b>PCW</b>	22-Dec-2021	<b>Screening</b>	13-Dec-2021
			<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Cypress Valley Water Supply Corporation (PCW No. 1)
<b>Reg. Ent. Ref. No.</b>	RN101436616
<b>Facility/Site Region</b>	5-Tyler
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61095	<b>No. of Violations</b>	6
<b>Docket No.</b>	2021-0968-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,675
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	20.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$335
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Notes: Enhancement for one agreed order containing a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	-\$62
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$255
Estimated Cost of Compliance	\$827

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,948
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<b>Final Penalty Amount</b>	\$1,948
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,948
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,948
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**Screening Date** 13-Dec-2021

**Docket No.** 2021-0968-PWS-E

**PCW**

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61095

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101436616

**Media** Public Water Supply

**Enf. Coordinator** Samantha Salas

### Compliance History Worksheet

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

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

**Adjustment Percentage (Subtotal 2)** 20%

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

N/A

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

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

Enhancement for one agreed order containing a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 20%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 20%

Screening Date 13-Dec-2021

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PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(3)

Violation Description Failed to provide a device to readily determine air-water-volume for all pressure tanks greater than 1,000 gallons in capacity. Specifically, the 5,300-gallon pressure tank did not have an air-water-volume indicator.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR Release Actual Potential Major Moderate Minor Harm Percent 5.0%

>> Programmatic Matrix

Falsification Major Moderate Minor Percent 0.0%

Matrix Notes Failure to provide a device that can determine air-water-volume could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 42

daily weekly monthly quarterly semiannual annual single event

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, November 1, 2021, to the screening date, December 13, 2021.

Good Faith Efforts to Comply

0.0% Reduction \$0

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

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$107

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$300	27-Jun-2018	5-Aug-2023	5.11	\$5	\$102	\$107
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide the Facility's pressure tank with a device to readily determine air-water-volume, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$300

**TOTAL** \$107



Screening Date 13-Dec-2021

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PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to inspect the interior of the Facility's pressure tanks at least once every five years. Specifically, the last pressure tank interior inspection was conducted on March 10, 2015.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				15.0%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to inspect the pressure tank could result in non-detection of defects resulting in a loss of tank integrity and could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$750

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$750

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$52

Violation Final Penalty Total \$900

This violation Final Assessed Penalty (adjusted for limits) \$900

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$41	10-Mar-2020	6-Jul-2023	3.32	\$7	n/a	\$7

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to inspect the interior surface of the pressure tank (\$41 per tank x one pressure tank), calculated from the due date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$41	10-Mar-2020	13-Dec-2021	1.76	\$4	\$41	\$45

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to inspect the interior surface of the pressure tank (\$41 per tank x one pressure tank), calculated from the due date to the screening date.

Approx. Cost of Compliance \$82

**TOTAL** \$52

Screening Date 13-Dec-2021

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PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.46(d)(2)(A) and 290.110(b)(4) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to maintain a disinfectant residual of at least 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system. Specifically, on November 1, 2021, a free chlorine residual concentration of 0.02 mg/L was measured at the 3000 block of Farm-to-Market Road 1997.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain proper levels of disinfection could expose persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

1 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, November 1, 2021, to the compliance date, November 2, 2021.

Good Faith Efforts to Comply

25.0%

Reduction \$62

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

Notes

The Respondent achieved compliance on November 2, 2021.

Violation Subtotal \$188

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$238

This violation Final Assessed Penalty (adjusted for limits) \$238

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

1				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Nov-2021	2-Nov-2021	0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 The delayed cost includes the estimated amount to determine the cause of noncompliance, make any necessary repairs or adjustments to the Facility, and maintain a disinfectant residual of at least 0.2 mg/L free chlorine throughout the distribution system, calculated from the investigation date to the date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**  
 (This area is currently blank for notes.)

Approx. Cost of Compliance \$100

**TOTAL** \$0

Screening Date 13-Dec-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(A)(iii)

Violation Description

Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, the Facility did not have the records of the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of a subsequent complaint investigation on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1.0%

Matrix Notes

Less than 30% of the rule requirements were not met.

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1

42 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Extraordinary		
Ordinary		
N/A	x	

Notes

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4

Violation Final Penalty Total \$60

This violation Final Assessed Penalty (adjusted for limits) \$60

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$45	1-Nov-2021	6-Jul-2023	1.68	\$4	n/a	\$4
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$4

Screening Date 13-Dec-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(B)

Violation Description Failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day. Specifically, the Facility was monitoring the disinfectant residual on a weekly basis.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5.0%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations in the distribution system at least once each day could expose customers of the Facility to significant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 42 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the investigation date, November 1, 2021, to the screening date, December 13, 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$66

Violation Final Penalty Total \$300

This violation Final Assessed Penalty (adjusted for limits) \$300

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$60	1-Nov-2021	19-Oct-2023	1.96	\$6	n/a	\$6

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to monitor the disinfectant residual at least once per day (\$10 per monitoring x six days per week), calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$60	1-Nov-2021	13-Dec-2021	0.12	\$0	\$60	\$60

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to monitor the disinfectant residual at least once per day (\$10 per monitoring x six days per week), calculated from the investigation date to the screening date.

Approx. Cost of Compliance \$120

**TOTAL** \$66



Screening Date 13-Dec-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101436616

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 6

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

Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the map was missing connections and additions/changes of the distribution lines.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 2.5%

Matrix Notes

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

Adjustment \$4,875

\$125

Violation Events

Number of Violation Events 1

42 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$125

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$125

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 1)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101436616  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$180	25-Aug-2020	6-Jul-2023	2.86	\$26	n/a	\$26

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

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$180

**TOTAL** \$26



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	21-Jul-2021	<b>Screening</b>	22-Jul-2021	<b>EPA Due</b>	
	<b>PCW</b>	23-Jul-2021				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Cypress Valley Water Supply Corporation (PCW No. 2)		
<b>Reg. Ent. Ref. No.</b>	RN101184745		
<b>Facility/Site Region</b>	5-Tyler	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	61095	<b>No. of Violations</b>	3
<b>Docket No.</b>	2021-0968-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Samantha Salas
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$1,250
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25.0% Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	\$312
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Notes: Enhancement for one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$4,570
Estimated Cost of Compliance	\$13,045

\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$1,562
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$1,562

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$1,562
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes:

No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	\$1,562
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**Screening Date** 22-Jul-2021

**Docket No.** 2021-0968-PWS-E

**PCW**

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 2)

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 61095

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101184745

**Media** Public Water Supply

**Enf. Coordinator** Samantha Salas

### Compliance History Worksheet

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

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

**Adjustment Percentage (Subtotal 2)** 25%

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

N/A

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

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

N/A

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

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order without a denial of liability.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

#### >> Final Compliance History Adjustment

**Final Adjustment Percentage \*capped at 100%** 25%

Screening Date 22-Jul-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101184745

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(g) and (b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315

Violation Description

Failed to provide a well capacity of 0.51 gallon per minute ("gpm") per connection as required by the alternative capacity requirement approved by the Executive Director. Specifically, the Facility had 225 service connections requiring a well capacity of 114.75 gpm. However, only 65 gpm of well capacity was provided, indicating a 43% deficiency.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 5.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to provide adequate well capacity could result in water outages and low pressure problems, exposing persons served by the Facility to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1

36 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$250

One quarterly event is recommended, calculated from the record review date, June 16, 2021 to the date of screening, July 22, 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 \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,073

Violation Final Penalty Total \$313

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

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 2)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101184745  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	8-Feb-2018	3-Dec-2023	5.82	\$194	\$3,879	\$4,073
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to provide a well capacity of at least 0.51 gpm per connection, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**

\$10,000

**TOTAL**

\$4,073

Screening Date 22-Jul-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101184745

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 2

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

Violation Description Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies. Specifically, the distribution map only showed a highlighted road without notation of the mains or valves.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10.0%

Matrix Notes

Greater than 70% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

36 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$625

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

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 2)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101184745  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$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)	\$45	26-Aug-2020	6-Jul-2023	2.86	\$6	n/a	\$6

**Notes for DELAYED costs** The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the date the violation was initially documented to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$45

**TOTAL** \$6



Screening Date 22-Jul-2021

Docket No. 2021-0968-PWS-E

PCW

Respondent Cypress Valley Water Supply Corporation (PCW No. 2)

Policy Revision 5 (January 28, 2021)

Case ID No. 61095

PCW Revision February 11, 2021

Reg. Ent. Reference No. RN101184745

Media Public Water Supply

Enf. Coordinator Samantha Salas

Violation Number 3

Rule Cite(s)

30 Tex. Admin. Code § 290.39(j) and Tex. Health & Safety Code § 341.0351

Violation Description

Failed to notify the Executive Director prior to making any significant change or addition to the system's production, treatment, storage, pressure maintenance, or distribution facilities. Specifically, the Respondent did not notify the Executive Director prior to disconnecting the chloramine system and switching from Liquid Ammonia Sulfate to free chlorine.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>> Programmatic Matrix

	Major	Moderate	Minor
Falsification	x		

Percent 10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$4,500

\$500

Violation Events

Number of Violation Events 1

36 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$500

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

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

Notes

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

Violation Subtotal \$500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$491

Violation Final Penalty Total \$625

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

# Economic Benefit Worksheet

**Respondent** Cypress Valley Water Supply Corporation (PCW No. 2)  
**Case ID No.** 61095  
**Reg. Ent. Reference No.** RN101184745  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$3,000	26-Aug-2020	3-Dec-2023	3.27	\$491	n/a	\$491

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to notify and receive approval from the Executive Director for the significant changes to the water system, calculated from the investigation initially documenting the violation to the estimated date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

Approx. Cost of Compliance \$3,000

**TOTAL** \$491



# Compliance History Report

Compliance History Report for CN600686976, RN101436616, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600686976, CYPRESS VALLEY WATER SUPPLY CORPORATION	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN101436616, CYPRESS VALLEY WSC PLANT 1	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	LOCATED ON THE EAST SIDE OF FARM-TO-MARKET ROAD 1997, 0.3 MILES SOUTH OF THE INTERSECTION BETWEEN FARM-TO-MARKET ROAD 1997 AND MACEDONIA ROAD IN WOODLAND, HARRISON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 05 - TYLER		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1020020		

<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b>	2022	<b>Rating Date:</b>	09/01/2022
<b>Date Compliance History Report Prepared:</b>	January 19, 2023				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 19, 2018 to January 19, 2023				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Samantha Salas			<b>Phone:</b>	(512) 239-1543

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 11/27/2018 ADMINORDER 2018-0282-PWS-E (1660 Order-Agreed Order With Denial)  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RT MR 2nd 6M2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 07/01/2017 to 12/31/2017 within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)  
Description: LCR RT MR 1st 6M2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the routine six-month monitoring period from 01/01/2017 to 06/30/2017 within the required timeline.  
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 YR2016 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the annual reduced monitoring period from 01/01/2016 to 12/31/2016 within the required timeline.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)

Description: LCR RD MR 3Y2015 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN 1st 6M2017- 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 six-month monitoring period from 01/01/2017 to 06/30/2017.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.272

30 TAC Chapter 290, SubChapter H 290.273

30 TAC Chapter 290, SubChapter H 290.274(a)

30 TAC Chapter 290, SubChapter H 290.274(c)

Description: CCR 2016 - The system's Consumer Confidence Report (CCR) failed to meet the adequacy requirements of the Consumer Confidence Report ("CCR") distributed to the customers of the Facility for calendar year 2016. Specifically, the Direct Delivery Method population was missing or incorrect

Classification: Moderate

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

Description: GWR Triggered Source MR Violation 05/2014 - 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 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RD MR PN YR2016 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 distribution lead and copper reduced monitoring and reporting violation for the annual reduced monitoring period from 01/01/2016 to 12/31/2016.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	November 08, 2019	(1605666)
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**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.

N/A

**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



# Compliance History Report

Compliance History Report for CN600686976, RN101184745, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

<b>Customer, Respondent, or Owner/Operator:</b>	CN600686976, CYPRESS VALLEY WATER SUPPLY CORPORATION	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Regulated Entity:</b>	RN101184745, CYPRESS VALLEY WSC PLANT 2	<b>Classification:</b> NOT APPLICABLE	<b>Rating:</b> N/A
<b>Complexity Points:</b>	N/A	<b>Repeat Violator:</b>	N/A
<b>CH Group:</b>	14 - Other		
<b>Location:</b>	LOCATED ON THE WEST SIDE OF FARM-TO-MARKET 1997, 2.5 MILES NORTH OF LOOP 390 IN WOODLAWN, HARRISON COUNTY, TEXAS		
<b>TCEQ Region:</b>	REGION 05 - TYLER		
<b>ID Number(s):</b>	PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1020088		

<b>Compliance History Period:</b>	September 01, 2017 to August 31, 2022	<b>Rating Year:</b>	2022	<b>Rating Date:</b>	09/01/2022
<b>Date Compliance History Report Prepared:</b>	January 19, 2023				
<b>Agency Decision Requiring Compliance History:</b>	Enforcement				
<b>Component Period Selected:</b>	January 19, 2018 to January 19, 2023				
<b>TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.</b>					
<b>Name:</b>	Samantha Salas			<b>Phone:</b>	(512) 239-1543

## Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 04/06/2021 ADMINORDER 2019-1658-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: TTHM LRAA MCL 3Q2019 - During the 3rd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.092 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.106 mg/L at 7669 FM 1997, Marshall, TX (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 2nd 6M2018- 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 six-month monitoring period from 07/01/2018 to 12/31/2018.  
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 1st 6M2017- 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 six-month monitoring period from 01/01/2017 to 06/30/2017.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: LCR RT MR PN 2nd 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122

during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 07/01/2017 to 12/31/2017.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR RT MR PN 1st 6M2017 - Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a follow-up distribution lead and copper monitoring and reporting violation for the 6 month monitoring period from 01/01/2017 to 06/30/2017.

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 2Q2019 - During the 2nd quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.083 mg/L at 1529 Lee Island Road, Marsh (DBP2-01) and 0.085 mg/L at 7669 FM 1997, Marshall, TX (DBP2-02).

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1 November 15, 2019 (1610104)

Item 2 October 28, 2021 (1770179)

**E. Written notices of violations (NOV) (CEEDS 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.

N/A

**F. Environmental audits:**

N/A

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

N/A

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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CYPRESS VALLEY WATER  
SUPPLY CORPORATION  
RN101436616 AND RN101184745**

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§  
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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

**AGREED ORDER  
DOCKET NO. 2021-0968-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Cypress Valley Water Supply Corporation (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Order are binding upon the Respondent.

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

**I. FINDINGS OF FACT**

1. The Respondent owns and operates public water supplies that provide water for human consumption and serve at least 25 people per day for at least 60 days per year at the following locations (the "Facilities"):
  - a. Cypress Valley Water Supply Corporation Plant 1, located on the east side of Farm-to-Market Road 1997, 0.3 miles south of the intersection between Farm-to-Market Road 1997 and Macedonia Road in Woodlawn, Harrison County, Texas, that has approximately 256 service connections ("Facility No. 1"); and
  - b. Cypress Valley Water Supply Corporation Plant 2, located on the west side of Farm-to-Market Road 1997, 2.5 miles north of Loop 390 in Woodlawn, Harrison County, Texas, that has approximately 225 service connections ("Facility No. 2").

As such, the Facilities are public water systems as defined in 30 TEX. ADMIN. CODE § 290.38(71).

2. During an investigation conducted on November 1, 2021 through November 2, 2021 at Facility No. 1, an investigator documented that:
  - a. The 5,300-gallon pressure tank did not have an air-water-volume indicator;
  - b. The last pressure tank interior inspection was conducted on March 10, 2015;
  - c. On November 1, 2021, a free chlorine residual concentration of 0.02 milligrams per liter ("mg/L") was measured at the 3000 block of Farm-to-Market Road 1997;
  - d. Facility No. 1 did not have the records of the date, location, and nature of water quality, pressure or outage complaints received by the system and the results of a subsequent complaint investigation on-site for review;
  - e. Facility No. 1 was monitoring the disinfectant residual on a weekly basis; and
  - f. The distribution map was missing connections and additions/changes of the distribution lines.
3. During an investigation conducted on June 16, 2021 at Facility No. 2, an investigator documented that:
  - a. Facility No. 2 had 225 service connections requiring a well capacity of 114.75 gallons per minute ("gpm"). However, Facility No. 2 provided only 65 gpm of well capacity, indicating a 43% deficiency;
  - b. The distribution map only showed a highlighted road without notation of the mains or valves; and
  - c. The Respondent did not notify the Executive Director prior to disconnecting the chloramine system and switching from Liquid Ammonia Sulfate to free chlorine.
4. The Executive Director recognizes that on November 2, 2021, the Respondent began maintaining a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system at Facility No. 1.

## **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 provide a device to readily determine air-water-volume for all pressure tanks greater than 1,000 gallons in capacity, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3).



3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to inspect the interior of the pressure tanks at Facility No. 1 at least once every five years, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to maintain a disinfectant residual of at least 0.2 mg/L of free chlorine throughout the distribution system, in violation of 30 TEX. ADMIN. CODE §§ 290.46(d)(2)(A) and 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(A)(iii).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to monitor the disinfectant residual at representative locations in the distribution system at least once per day, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(B).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
8. As evidenced by Finding of Fact No. 3.a, the Respondent failed to provide a well capacity of 0.51 gpm per connection as required by the alternate capacity requirement approved by the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.45(g) and (b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
9. As evidenced by Finding of Fact No. 3.b, the Respondent failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
10. As evidenced by Finding of Fact No. 3.c, the Respondent failed to notify the Executive Director 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 TEX. HEALTH & SAFETY CODE § 341.0351.
11. 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.
12. An administrative penalty in the amount of \$3,510 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 the \$3,510 penalty.

### 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. 12 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: Cypress Valley Water Supply Corporation, Docket No. 2021-0968-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 at Facility No. 1:
  - a. Within 30 days after the effective date of this Order:
    - i. Conduct an inspection of the interior of the pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46;
    - ii. Compile and maintain properly completed water works operation and maintenance records, including but not limited to, the records of complaints received by the system and any subsequent complaint investigations, in 30 TEX. ADMIN. CODE § 290.46;
    - iii. Make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
    - iv. Begin monitoring the disinfectant residual throughout the distribution system at sites designated in the public water system's monitoring plan at least once every day, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon three months of compliant monitoring.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f 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 60 days after the effective date of this Order, equip the Facility's pressure tank with an air-water-volume indicator, in accordance with 30 TEX. ADMIN. CODE § 290.43.
  - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
  - e. Within 135 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.iv.
3. The Respondent shall undertake the following technical requirements at Facility No. 2:
- a. Within 30 days after the effective date of this Order, make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, in accordance with 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a.
  - c. Within 180 days after the effective date of this Order:
    - i. Provide a well capacity of at least 0.51 gpm per connection as required by the alternate capacity requirement approved by the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
    - ii. Submit accurate, up-to-date, and detailed as-built plans, specifications, and engineering reports for the significant changes made to the Facility's production, treatment, storage, and pressure maintenance facilities, including but not limited to discontinuing the chloramine system and switching from Liquid Ammonia Sulfate to free chlorine, in accordance with 30 TEX. ADMIN. CODE § 290.39. The plans and specifications 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, specifications, and engineering reports within 15 days after the date of such requests, or by any other deadline specified in writing.

- d. Within 195 days after the effective date of this Order, submit written certification, as described in Ordering Provision No. 3.f below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.c.i and 3.c.ii.
- e. Within 270 days after the effective date of this Order, obtain approval of the as-built plans and specifications for the significant changes made to Facility No. 2, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- f. Within 285 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.e. 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:

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

- 4. All relief not expressly granted in this Order is denied.

5. 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.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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 Enforcement Division at the address listed above.
7. 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.
8. 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.
9. 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.
10. 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.
11. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
7/5/2023  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
6-8-2023  
\_\_\_\_\_  
Date

\_\_\_\_\_  
Waylon B Buchanan Jr  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Cypress Valley Water Supply Corporation

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

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

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