

TCEQ Interoffice Memorandum

To: Mary Smith, General Counsel

Thru: AS Amy Settemeyer, Deputy Director
Enforcement Division

From: MP Michael Parrish, Team Leader
Special Functions Team

Date: June 23, 2023

Subject: **Backup Revision**
June 28, 2023 Commission Agenda
Item No. 19 – WOODLAKE-JOSSERAND WATER SUPPLY
CORPORATION
Docket No. 2021-0979-PWS-E

Enclosed please find the following:

Executive Summary:

- Page 5, Technical Requirements, 1.d – Corrected sub-item reference from “d.ii and d.iii” to “c.ii. and c.iii.”

Agreed Order:

- Page 8, III. Ordering Provisions, 2.d. - Corrected sub-item reference from “2.d.ii and 2.d.iii” to “2.c.ii. and 2.c.iii.”
- Page 11, Signature Page – Updated signatures provided by the Respondent and Executive Director.

Please do not hesitate to call Michael Parrish at (512) 239-2548 if you have any questions regarding this matter.

cc: Garrett Arthur, Public Interest Counsel
Melissa Schmidt, Public Interest Counsel
Gill Valls, Office of General Counsel
Katherine McKenzie, Agenda Coordinator, Litigation Division
Amy Settemeyer, Deputy Director, Enforcement Division
Melissa Cordell, Assistant Deputy Director, Enforcement Division
Rebecca Margain-Nunez, Executive Assistant, Enforcement Division
Megan Hamilton, Manager, Water Section, Enforcement Division
Miles Wehner, Enforcement Coordinator, Water Section, Enforcement Division

Executive Summary – Enforcement Matter – Case No. 52923
WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION
RN101452621
Docket No. 2021-0979-PWS-E

c. Within 60 days:

i. Submit written certification to demonstrate compliance with b.ii.;

ii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements; and

iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.

d. Within 75 days, submit written certification to demonstrate compliance with c.ii. and c.iii.

e. Within 90 days:

i. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 1 or obtain Commission approval of an exception to the easement requirement.

ii. Provide separate containment facilities for the gas chlorine and polyphosphate storage containers.

f. Within 105 days, submit written certification to demonstrate compliance with e.

g. Within 180 days:

i. Provide an elevated storage capacity of at least 100 gallons per connection; and

ii. Provide a well capacity of at least 0.6 gpm per connection.

h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Benny Abshier, President, WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION, P.O. Box 103, Woodlake, Texas 75856
Keith Kesinger, Manager, WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION, P.O. Box 103, Woodlake, Texas 75856

Respondent's Attorney: N/A

photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii;

- ii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.c.ii and 2.c.iii.
- e. Within 90 days after the effective date of this Order:
- i. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

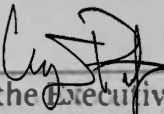
Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Provide separate containment facilities for the gas chlorine and polyphosphate storage containers, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 180 days after the effective date of this Order:
- i. Provide an elevated storage capacity of at least 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date


For the Executive Director

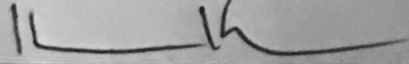
6/23/2023
Date

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

6-22-23
Date

Keith Hesinger
Name (Printed or typed)
Authorized Representative of
WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION

Manager
Title

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

Executive Summary – Enforcement Matter – Case No. 52923
WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION
RN101452621
Docket No. 2021-0979-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:

Woodlake-Josserand WSC, 3908 East U.S. Highway 287 near Groveton, Trinity 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: April 7, 2023

Comments Received: No

Penalty Information

Total Penalty Assessed: \$14,415

Total Paid to General Revenue: \$14,415

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): N/A

Complaint Information: N/A

Date(s) of Investigation: May 24, 2021 through May 28, 2021 and on June 14, 2021 and October 12, 2021

Date(s) of NOE(s): June 7, 2019, July 9, 2021, and December 10, 2021

Executive Summary – Enforcement Matter – Case No. 52923
WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION
RN101452621
Docket No. 2021-0979-PWS-E

Violation Information

1. Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. Failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director ("ED") along with certification that the consumer notification was distributed in a manner consistent with TCEQ requirements [30 TEX. ADMIN. CODE § 290.117(i)(6) and (j) and TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.i].
3. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") based on the locational running annual average [TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii].
4. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for Stage 2 Disinfection Byproducts ("DBP2") [TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii].
5. Failed to inspect the Facility's elevated storage tank ("EST") annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].
6. Failed to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)].
7. Failed to issue a boil water notification to the customers of the Facility using the applicable language and prescribed format specified in 30 TEX. ADMIN. CODE § 290.47(c)(1) [30 TEX. ADMIN. CODE § 290.46(q)(1)].
8. Failed to provide separate containment facilities for chemicals that are incompatible [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV)].
9. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].

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10. Failed to provide a well capacity of 0.6 gallon per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

11. Failed to maintain water works operation and maintenance records and make them readily available for review by the ED upon request [30 TEX. ADMIN. CODE § 290.46(f)(2) and (f)(3)(D)(ii)].

12. Failed to maintain a thorough and up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)].

13. Failed to use an acceptable analytical method for disinfectant analyses [30 TEX. ADMIN. CODE § 290.119(b)(7)].

14. Failed to maintain an up-to-date chemical and microbiological monitoring plan that is subject to the review and approval of the ED, and a copy of which is maintained at each water treatment plant and at a central location [30 TEX. ADMIN. CODE § 290.121(a) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.a.i].

15. Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(f) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.c].

16. Failed to provide an elevated storage capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

17. Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

By October 12, 2021, the Respondent began maintaining water works operation and maintenance records at the Facility.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers;

Executive Summary – Enforcement Matter – Case No. 52923
WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION
RN101452621
Docket No. 2021-0979-PWS-E

ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2020 through December 31, 2020 monitoring period. Submit to the ED a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements;

iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the ED regarding the failure to comply with the MCL for TTHM based on the locational running annual average for the second quarter of 2017 through the fourth quarter of 2018 and the failure to submit a written operation evaluation report to the ED within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for DBP2 at Site 1 and Site 2 during the fourth quarter of 2017;

iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the ED;

v. Conduct an inspection of the Facility's EST;

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

vii. Develop and begin maintaining a written protocol that is to be followed to ensure boil water notifications are provided to customers in the specified format and provided to the ED within 24 hours or no later than the next business day after issuance;

viii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the seam of the roof and siding of the ground storage tank at Plant No. 1, the well casing for Well No. 1, the generators at Plant Nos. 1 and 2, and the sample tap connected to the feet-of-water gauge; and

ix. Update the Facility's operational guidance and conduct employee training to ensure that the LaMotte 1200 series colorimeter is being operated with LaMotte DPD reagents.

b. Within 45 days:

i. Submit written certification to demonstrate compliance with a.; and

ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.

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WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION
RN101452621
Docket No. 2021-0979-PWS-E

c. Within 60 days:

i. Submit written certification to demonstrate compliance with b.ii.;

ii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements; and

iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference.

d. Within 75 days, submit written certification to demonstrate compliance with d.ii. and d.iii.

e. Within 90 days:

i. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 1 or obtain Commission approval of an exception to the easement requirement.

ii. Provide separate containment facilities for the gas chlorine and polyphosphate storage containers.

f. Within 105 days, submit written certification to demonstrate compliance with e.

g. Within 180 days:

i. Provide an elevated storage capacity of at least 100 gallons per connection; and

ii. Provide a well capacity of at least 0.6 gpm per connection.

h. Within 195 days, submit written certification to demonstrate compliance with g.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, Enforcement Team 5, MC 219, (512) 239-2813; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Benny Abshier, President, WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION, P.O. Box 103, Woodlake, Texas 75856
Keith Kesinger, Manager, WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION, P.O. Box 103, Woodlake, Texas 75856

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	12-Jul-2021		
	PCW	26-Jul-2021	Screening	21-Jul-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)			
Reg. Ent. Ref. No.	RN101452621			
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	52923	No. of Violations	2	
Docket No.	2021-0979-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Miles Wehner	
		EC's Team	Enforcement Team 8	
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$1,800
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Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$48
Estimated Cost of Compliance	\$300

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$5,800
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$5,800
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$5,800
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$5,800
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Screening Date

21-Jul-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)

Case ID No.

52923

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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	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)			45%
>> 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 and one agreed order without a denial of liability.		
Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)			45%
>> Final Compliance History Adjustment			
Final Adjustment Percentage *capped at 100%			45%

Screening Date

21-Jul-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)

Policy Revision 5 (January 28, 2021)

Case ID No.

52923

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

1

Rule Cite(s)

TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii

Violation Description

Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") based on the locational running annual average for the second quarter of 2017 through the fourth quarter of 2018. Specifically, letters from the Executive Director required public notification be provided by September 11, 2017 for the second quarter of 2017, January 14, 2018 for the third quarter of 2017, March 7, 2018 for the fourth quarter of 2017, June 20, 2018 for the first quarter of 2018, September 27, 2018 for the second quarter of 2018, December 27, 2018 for the third quarter of 2018, and April 3, 2019 for the fourth quarter of 2018.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment

\$4,500

\$500

Violation Events

Number of Violation Events

7

1409

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$3,500

Seven single events are recommended, one for each notification.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

N/A

x

Notes

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

Violation Subtotal

\$3,500

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$44

Violation Final Penalty Total

\$5,075

This violation Final Assessed Penalty (adjusted for limits)

\$5,075

Economic Benefit Worksheet

Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)
Case ID No. 52923
Reg. Ent. Reference No. RN101452621
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	6-Mar-2020	23-May-2023	3.21	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$175	6-Mar-2020	23-May-2023	3.21	\$28	n/a	\$28

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0836-PWS-E to the estimated date of compliance.

The Other (as needed) delayed cost includes the estimated amount to ensure that all delinquent public notifications (\$25 per notification x seven missed notifications) are provided to persons served by Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0836-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$275

TOTAL \$44

Screening Date	21-Jul-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	2			
Rule Cite(s)	TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii			
Violation Description	Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 and Site 2 during the fourth quarter of 2017.			
		Base Penalty	\$5,000	
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual Potential			Percent 0.0%
>> Programmatic Matrix				
	Falsification	Major Moderate Minor		
		x		Percent 10.0%
Matrix Notes	100% of the rule requirements were not met.			
		Adjustment	\$4,500	
			\$500	
Violation Events				
	Number of Violation Events	1	923	Number of violation days
	daily weekly monthly quarterly semiannual annual single event			
				Violation Base Penalty \$500
	One single event is recommended.			
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	\$500	
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$4	Violation Final Penalty Total	\$725
	This violation Final Assessed Penalty (adjusted for limits)			\$725

Economic Benefit Worksheet

Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 1)
Case ID No. 52923
Reg. Ent. Reference No. RN101452621
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)	\$25	6-Mar-2020	23-May-2023	3.21	\$4	n/a	\$4

Notes for DELAYED costs

The Training/Sampling delayed costs for implementing procedures to ensure that all necessary public notifications are provided in a timely manner, is captured in the Economic Benefit Worksheet for Violation No. 1 on PCW No. 1.

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notification (\$25 per notification x one notification) is provided to persons served by the Facility and a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, calculated from the effective date of TCEQ Agreed Order Docket No. 2019-0836-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$25

TOTAL \$4



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Jun-2021		
	PCW	26-Jul-2021	Screening	21-Jul-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2)		
Reg. Ent. Ref. No.	RN101452621		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	52923	No. of Violations	2
Docket No.	2021-0979-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$450
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Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

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

\$231
\$451

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,450
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$1,450
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,450
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,450
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Screening Date21-Jul-2021

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2)

Case ID No.52923

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Docket No.2021-0979-PWS-E

PCW

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

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 (number of NOVs meeting criteria)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	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 (number of judgments or consent decrees meeting criteria)	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 (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%
	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%
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)45%

>> 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 and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100%45%

Screening Date		21-Jul-2021	Docket No.		2021-0979-PWS-E	PCW	
Respondent		WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2)				Policy Revision 5 (January 28, 2021)	
Case ID No.		52923					PCW Revision February 11, 2021
Reg. Ent. Reference No.		RN101452621					
Media		Public Water Supply					
Enf. Coordinator		Miles Wehner					
Violation Number		1					
Rule Cite(s)		30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)					
Violation Description		Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2019.					
						Base Penalty	\$5,000
>> Environmental, Property and Human Health Matrix							
OR	Release		Harm				
		Major	Moderate	Minor			
	Actual						
	Potential				Percent	0.0%	
>> Programmatic Matrix							
	Falsification	Major	Moderate	Minor			
		x			Percent	10.0%	
Matrix Notes	100% of the rule requirements were not met.						
						Adjustment	\$4,500
							\$500
Violation Events							
Number of Violation Events		1	385		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
	Extraordinary		Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer				
	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		\$223	Violation Final Penalty Total		\$725		
This violation Final Assessed Penalty (adjusted for limits)						\$725	

Economic Benefit Worksheet

Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2)
Case ID No. 52923
Reg. Ent. Reference No. RN101452621
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$198	1-Jul-2021	20-Dec-2022	1.47	\$15	n/a	\$15

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail or directly deliver the 2019 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 296 connections) + \$50) x one year], calculated from the due date of the most recent CCR 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)	\$198	1-Jul-2020	21-Jul-2021	1.05	\$10	\$198	\$208

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2019 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 296 connections) + \$50) x one year], calculated from the due date of the 2019 CCR to the date of screening.

Approx. Cost of Compliance \$396

TOTAL \$223

Screening Date21-Jul-2021Docket No.2021-0979-PWS-EPCW

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2)Policy Revision 5 (January 28, 2021)

Case ID No.52923PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Violation Number2

Rule Cite(s)30 Tex. Admin. Code § 290.117(i)(6) and (j) and TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.i

Violation DescriptionFailed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification was distributed in a manner consistent with TCEQ requirements for the January 1, 2020 through December 31, 2020 monitoring period.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent

10.0%

Matrix Notes

100% of the rule requirements were not met.

Adjustment\$4,500

\$500

Violation Events

Number of Violation Events

1

202

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

Estimated EB Amount

\$8

Statutory Limit Test

Violation Final Penalty Total

\$725

This violation Final Assessed Penalty (adjusted for limits)

\$725

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 2) 52923 RN101452621 Public Water Supply 2

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				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)	\$55	31-Dec-2020	4-Nov-2023	2.84	\$8	n/a	\$8

Notes for DELAYED costs

The delayed cost includes the estimated amount to prepare and mail the consumer notification for the January 1, 2020 through December 31, 2020 monitoring period to persons served at the locations which were sampled and to the TCEQ ((\$0.50 x ten sampled locations + \$50) x one monitoring period), calculated from the date the consumer notification was due 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 \$55

TOTAL \$8



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	1-Jun-2021			
	PCW	26-Jul-2021	Screening	21-Jul-2021	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 3)				
Reg. Ent. Ref. No.	RN101452621				
Facility/Site Region	10-Beaumont	Major/Minor Source		Minor	

CASE INFORMATION					
Enf./Case ID No.	52923	No. of Violations	1		
Docket No.	2021-0979-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Miles Wehner		
		EC's Team	Enforcement Team 8		
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$45
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Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$219
Estimated Cost of Compliance \$198

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$145
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$145
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$145
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$145
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Screening Date	21-Jul-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 3)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

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	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) 45%

>> 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 and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date		21-Jul-2021		Docket No.		2021-0979-PWS-E		PCW	
Respondent		WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 3)						Policy Revision 5 (January 28, 2021)	
Case ID No.		52923						PCW Revision February 11, 2021	
Reg. Ent. Reference No.		RN101452621							
Media		Public Water Supply							
Enf. Coordinator		Miles Wehner							
Violation Number		1							
Rule Cite(s)		30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)							
Violation Description		Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data for the calendar year 2018.							
						Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix									
OR		Release		Harm					
		Major		Moderate		Minor			
		Actual						Percent 0.0%	
		Potential							
>> Programmatic Matrix									
		Falsification		Major		Moderate		Minor	
				x					
								Percent 10.0%	
Matrix Notes		100% of the rule requirements were not met.							
						Adjustment		\$900	
								\$100	
Violation Events									
		Number of Violation Events		1		751		Number of violation days	
		daily							
		weekly							
		monthly							
		quarterly							
		semiannual							
		annual							
		single event		x				Violation Base Penalty \$100	
		One single event is recommended.							
Good Faith Efforts to Comply		0.0%				Reduction		\$0	
		Before NOE/NOV		NOE/NOV to EDPRP/Settlement Offer					
		Extraordinary							
		Ordinary							
		N/A		x					
		Notes		The Respondent does not meet the good faith criteria for this violation.					
						Violation Subtotal		\$100	
Economic Benefit (EB) for this violation									
		Estimated EB Amount		\$219		Violation Final Penalty Total		\$145	
						This violation Final Assessed Penalty (adjusted for limits)		\$145	

Economic Benefit Worksheet

Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 3)
Case ID No. 52923
Reg. Ent. Reference No. RN101452621
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

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

Notes for DELAYED costs

The delayed cost to prepare and mail or directly deliver the 2019 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 296 connections) + \$50) x one year] is captured in the Economic Benefit Worksheet for Violation No. 1 on Penalty Calculation Worksheet No. 2.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0
Financial Assurance				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)	\$198	1-Jul-2019	21-Jul-2021	2.06	\$21	\$198	\$219

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2018 CCR to the customers of the Facility and to the TCEQ [(((\$0.50 x 296 connections) + \$50) x one year], calculated from the due date of the 2018 CCR to the date of screening.

Approx. Cost of Compliance \$198

TOTAL \$219



Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

DATES	Assigned	13-Dec-2021		
	PCW	12-Jan-2022	Screening	22-Dec-2021
			EPA Due	

RESPONDENT/FACILITY INFORMATION				
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)			
Reg. Ent. Ref. No.	RN101452621			
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor	

CASE INFORMATION				
Enf./Case ID No.	52923	No. of Violations	13	
Docket No.	2021-0979-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes	
Multi-Media		Enf. Coordinator	Miles Wehner	
		EC's Team	Enforcement Team 8	
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$4,850
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	45.0%	Adjustment	Subtotals 2, 3, & 7	\$2,182
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Notes

Enhancement for one agreed order containing a denial of liability and one agreed order without a denial of liability.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$12
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$1,876
Estimated Cost of Compliance	\$13,747

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$7,020
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount	\$7,020
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$7,020
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$7,020
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Screening Date	22-Dec-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

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	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) 45%

>> 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 and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 45%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 45%

Screening Date 22-Dec-2021		Docket No. 2021-0979-PWS-E		PCW	
Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 52923		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101452621					
Media Public Water Supply					
Enf. Coordinator Miles Wehner					
Violation Number		1			
Rule Cite(s)		30 Tex. Admin. Code § 290.46(m)(1)(A)			
Violation Description		Failed to inspect the Facility's elevated storage tank ("EST") annually. Specifically, the standpipe at Plant No. 2 was not inspected in 2020.			
		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 inspect the EST on an annual basis could cause non-detection of defects and 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		71 Number of violation days	
		daily			
		weekly			
		monthly			
		quarterly			
		semiannual			
		annual			
		single event	x		
		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		\$250	
Economic Benefit (EB) for this violation					
Statutory Limit Test					
Estimated EB Amount		\$44		Violation Final Penalty Total \$363	
		This violation Final Assessed Penalty (adjusted for limits)		\$363	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)
52923
RN101452621
Public Water Supply
1

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$41	12-Oct-2021	23-May-2023	1.61	\$3	n/a	\$3
Notes for DELAYED costs	The delayed cost includes the estimated amount to conduct annual EST inspections (\$41 per tank x one tank), calculated from the date of the investigation 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	\$41	12-Oct-2021	22-Dec-2021	0.19	\$0	\$41	\$41
Other (as needed)				0.00	\$0	\$0	\$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to conduct annual EST inspections (\$41 per tank x one tank), calculated from the date of the investigation to the date of screening.						

Approx. Cost of Compliance	\$82	TOTAL	\$44
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Screening Date22-Dec-2021Docket No.2021-0979-PWS-EPCW

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)Policy Revision 5 (January 28, 2021)

Case ID No.52923PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Violation Number2

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

Violation DescriptionFailed 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 waterline located along the west side of V.B. Woods Road is looped while the distribution map did not show it was looped.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

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

71

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

Estimated EB Amount

\$14

Statutory Limit Test

Violation Final Penalty Total

\$73

This violation Final Assessed Penalty (adjusted for limits)

\$73

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 2

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				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	12-Oct-2021	23-May-2023	1.61	\$14	n/a	\$14

Notes for DELAYED costs

The delayed cost includes the estimated amount to make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, calculated from the 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 \$180

TOTAL \$14

Screening Date22-Dec-2021

Docket No.2021-0979-PWS-E

PCW

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

Case ID No.52923

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Violation Number3

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

Violation DescriptionFailed to issue a boil water notification to the customers of the Facility using the applicable language and prescribed format specified in 30 Tex. Admin. Code § 290.47(c)(1). Specifically, the boil water notice posted on August 25, 2021 and the associated rescind notice did not follow the specified language and format and were not signed and dated.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

1.0%

Matrix Notes

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

Adjustment\$4,950

\$50

Violation Events

Number of Violation Events1

71

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

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

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\$8

Violation Final Penalty Total\$73

This violation Final Assessed Penalty (adjusted for limits)\$73

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)
52923
RN101452621
Public Water Supply
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	\$100	12-Oct-2021	23-May-2023	1.61	\$8	n/a	\$8
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 develop and implement a written protocol that is to be followed to ensure boil water notifications are issued to customers using the applicable language and prescribed format specified in 30 Tex. Admin. Code § 290.47(c)(1), calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$100	TOTAL	\$8
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Screening Date

22-Dec-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

Case ID No.

52923

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

4

Rule Cite(s)

30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)(IV)

Violation Description

Failed to provide separate containment facilities for chemicals that are incompatible. Specifically, gas chlorine and polyphosphate are considered incompatible and were stored in the same room.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to provide separate containment facilities for incompatible chemicals could expose employees or the environment to a significant amount of pollutants which would not exceed levels protective of human health or environmental receptors.

Adjustment

\$4,750

\$250

Violation Events

Number of Violation Events

1

71

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$250

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

\$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$62

Violation Final Penalty Total

\$363

This violation Final Assessed Penalty (adjusted for limits)

\$363

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

52923

RN101452621

Public Water Supply

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)	\$500	12-Oct-2021	22-Jul-2023	1.78	\$3	\$59	\$62
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 separate containment facilities for polyphosphate and chlorine gas, calculated from the date of the investigation 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	\$500	TOTAL	\$62
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Screening Date

22-Dec-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

Case ID No.

52923

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

5

Rule Cite(s)

30 Tex. Admin. Code § 290.46(m)

Violation Description

Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the seam of the roof and siding of the ground storage tank at Plant No. 1 was rusted.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

5.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility 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

71

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$250

One quarterly event is recommended, calculated from the October 12, 2021 investigation date to the screening date December 22, 2021.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

Before NOE/NOV

NOE/NOV to EDRP/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

\$226

Violation Final Penalty Total

\$363

This violation Final Assessed Penalty (adjusted for limits)

\$363

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

52923

RN101452621

Public Water Supply

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)	\$2,000	12-Oct-2021	23-May-2023	1.61	\$11	\$215	\$226
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 repair the seam of the roof and siding of the ground storage tank at Plant No. 1, calculated from the date of the investigation 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	\$2,000	TOTAL	\$226
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Screening Date

22-Dec-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

Policy Revision 5 (January 28, 2021)

Case ID No.

52923

PCW Revision February 11, 2021

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

6

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility had 196 connections in Pressure Plane No. 2 requiring a well capacity of 117.6 gpm. However, only 96 gpm of well capacity was provided, indicating a 18% deficiency.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

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 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

1

71

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 October 12, 2021 investigation date to the screening date December 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

\$708

Violation Final Penalty Total

\$363

This violation Final Assessed Penalty (adjusted for limits)

\$363

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

52923

RN101452621

Public Water Supply

6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction	\$5,000	12-Oct-2021	20-Oct-2023	2.02	\$34	\$674	\$708
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 0.6 gpm per connection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$5,000	TOTAL	\$708
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Screening Date22-Dec-2021Docket No.2021-0979-PWS-EPCW

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)Policy Revision 5 (January 28, 2021)

Case ID No.52923PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Violation Number7

Rule Cite(s)30 Tex. Admin. Code § 290.46(f)(2) and (f)(3)(D)(ii)

Violation DescriptionFailed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records for the results of storage tank inspections were not maintained on-site for review.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

x

Percent1.0%

Matrix Notes

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

Adjustment\$4,950

\$50

Violation Events

Number of Violation Events1

1

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

25.0%

Reduction\$12

Before NOE/NOV

NOE/NOV to EDPRP/Settlement Offer

Extraordinary

Ordinary

x

N/A

Notes

The Respondent achieved compliance on October 12, 2021.

Violation Subtotal\$38

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount\$0

Violation Final Penalty Total\$61

This violation Final Assessed Penalty (adjusted for limits)\$61

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 7

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				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	12-Oct-2021	12-Oct-2021	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 maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation to the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$45

TOTAL \$0

Screening Date22-Dec-2021Docket No.2021-0979-PWS-EPCW

RespondentWOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)Policy Revision 5 (January 28, 2021)

Case ID No.52923PCW Revision February 11, 2021

Reg. Ent. Reference No.RN101452621

MediaPublic Water Supply

Enf. CoordinatorMiles Wehner

Violation Number8

Rule Cite(s)30 Tex. Admin. Code § 290.42(I)

Violation DescriptionFailed to maintain a thorough and up-to-date plant operations manual for operator review and reference.

Base Penalty\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

Percent

0.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

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

71

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

Estimated EB Amount\$4

Statutory Limit Test

Violation Final Penalty Total\$73

This violation Final Assessed Penalty (adjusted for limits)\$73

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)
52923
RN101452621
Public Water Supply
8

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)	\$45	12-Oct-2021	22-Jun-2023	1.69	\$4	n/a	\$4

Notes for DELAYED costs

The delayed cost includes the estimated amount to maintain a thorough and up-to-date plant operations manual, calculated from the date of the investigation 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
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Screening Date

22-Dec-2021

Docket No.

2021-0979-PWS-E

PCW

Respondent

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)

Case ID No.

52923

Reg. Ent. Reference No.

RN101452621

Media

Public Water Supply

Enf. Coordinator

Miles Wehner

Violation Number

9

Rule Cite(s)

30 Tex. Admin. Code § 290.119(b)(7)

Violation Description

Failed to use an acceptable analytical method for disinfectant analyses. Specifically, the Facility was operating the LaMotte 1200 series colorimeter with Hach N,N-diethyl-p-phenylenediamine ("DPD") pillow packets when it was required to run LaMotte DPD reagents.

Base Penalty

\$5,000

>> Environmental, Property and Human Health Matrix

OR

Release

Major

Moderate

Minor

Actual

Potential

x

Percent

3.0%

>>Programmatic Matrix

Falsification

Major

Moderate

Minor

Percent

0.0%

Matrix Notes

Failure to operate the colorimeter with the proper reagents could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment

\$4,850

\$150

Violation Events

Number of Violation Events

1

71

Number of violation days

daily

weekly

monthly

quarterly

semiannual

annual

single event

x

Violation Base Penalty

\$150

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

\$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

\$8

Violation Final Penalty Total

\$218

This violation Final Assessed Penalty (adjusted for limits)

\$218

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 9

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	12-Oct-2021	23-May-2023	1.61	\$8	n/a	\$8
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 update the Facility's operational guidance and conduct employee training to ensure that LaMotte DPD reagents are used to operate the LaMotte 1200 series colorimeter, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$8

Screening Date	22-Dec-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	10			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)			
Violation Description	Failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. Specifically, the well casing for Well No. 1 was rusted, the generator at Plant Nos. 1 and 2 were not functioning, and the sample tap connected to the feet-of-water gauge was heavily corroded.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR

		Release		Harm	
			Major	Moderate	Minor
		Actual			
		Potential			x

Percent 3.0%

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes

Failure to maintain the good working condition and general appearance of the Facility could expose persons served by the facility to insignificant amounts of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 4

71

Number of violation days

		daily	
		weekly	
		monthly	
		quarterly	
		semiannual	
		annual	
		single event	x

Violation Base Penalty \$600

Four single events are recommended (one for each piece of equipment).

Good Faith Efforts to Comply

0.0%

Reduction \$0

Notes

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

Violation Subtotal \$600

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$57

Violation Final Penalty Total \$870

This violation Final Assessed Penalty (adjusted for limits) \$870

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 10

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)	\$500	12-Oct-2021	23-May-2023	1.61	\$3	\$54	\$57
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 repair the well casing for Well No. 1, the generators at Plant Nos. 1 and 2, and the sample tap connected to the feet-of-water gauge, calculated from the date of the investigation 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	\$500	TOTAL	\$57
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Screening Date	22-Dec-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	11			
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.a.i			
Violation Description	Failed to maintain an up-to-date chemical and microbiological monitoring plan that is subject to the review and approval of the Executive Director, and a copy of which is maintained at each water treatment plant and at a central location. Specifically, an up-to-date copy of the monitoring plan was not maintained at the plants.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR

		Release	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

820

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 \$33

Violation Final Penalty Total \$725

This violation Final Assessed Penalty (adjusted for limits) \$725

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No. WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 11

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)	\$175	24-Sep-2019	22-Jul-2023	3.83	\$33	n/a	\$33
Notes for DELAYED costs	The delayed cost includes the estimated amount to maintain a copy of the chemical and microbiological monitoring plan at each plant, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1552-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$175	TOTAL	\$33
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Screening Date 22-Dec-2021		Docket No. 2021-0979-PWS-E		PCW	
Respondent WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)		<i>Policy Revision 5 (January 28, 2021)</i>			
Case ID No. 52923		<i>PCW Revision February 11, 2021</i>			
Reg. Ent. Reference No. RN101452621					
Media Public Water Supply					
Enf. Coordinator Miles Wehner					
Violation Number 12					
Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(f) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.c					
Violation Description		Failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's wells. Specifically, at Well No. 1, Highway 287 was noted within the existing 150-foot radius.			
		Base Penalty		\$5,000	
>> Environmental, Property and Human Health Matrix					
OR	Release		Harm		
	Major	Moderate	Minor		
	Actual				
	Potential		x	Percent	3.0%
>>Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
					Percent 0.0%
Matrix Notes	Failure to have a sanitary control easement could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.				
				Adjustment	\$4,850
					\$150
Violation Events					
Number of Violation Events		1	820	Number of violation days	
	daily				
	weekly				
	monthly				
	quarterly				
	semiannual				
	annual				
	single event	x		Violation Base Penalty \$150	
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	\$150
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		\$4	Violation Final Penalty Total		\$218
This violation Final Assessed Penalty (adjusted for limits)				\$218	

Economic Benefit Worksheet

Respondent

Case ID No.

Reg. Ent. Reference No.

Media

Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)
52923
RN101452621
Public Water Supply
12

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)	\$20	24-Sep-2019	22-Jul-2023	3.83	\$4	n/a	\$4
Notes for DELAYED costs	The delayed cost includes the estimated amount to obtain and record a sanitary control easement for Highway 287 within 150 feet of the Well No. 1, or obtain an exception to the requirement, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-1552-PWS-E to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$20	TOTAL	\$4
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Screening Date	22-Dec-2021	Docket No.	2021-0979-PWS-E	PCW
Respondent	WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4)			<i>Policy Revision 5 (January 28, 2021)</i>
Case ID No.	52923			<i>PCW Revision February 11, 2021</i>
Reg. Ent. Reference No.	RN101452621			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	13			
Rule Cite(s)	30 Tex. Admin. Code 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failed to provide an elevated storage capacity of 100 gallons per connection. Specifically, Pressure Plane No. 2 had 196 connections requiring 19,600 gallons of elevated storage capacity. However, only 5,727 gallons of elevated storage capacity were provided, indicating a 71% deficiency.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR

	Release	Harm			
		Major	Moderate	Minor	
	Actual				
	Potential	x			Percent 15.0%

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent 0.0%

Matrix Notes

Failure to provide the minimum elevated storage or pressure tank capacity 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	3	71	Number of violation days
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	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty

\$2,250

Three monthly events are recommended, calculated from the October 12, 2021 investigation date to the screening date December 22, 2021.

Good Faith Efforts to Comply

0.0%

Reduction

\$0

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

Notes

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

Violation Subtotal

\$2,250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$708	Violation Final Penalty Total	\$3,263
This violation Final Assessed Penalty (adjusted for limits)		\$3,263	

Economic Benefit Worksheet

Respondent Case ID No. Reg. Ent. Reference No. Media Violation No.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION (PCW No. 4) 52923 RN101452621 Public Water Supply 13

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	\$5,000	12-Oct-2021	20-Oct-2023	2.02	\$34	\$674	\$708
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed cost includes the estimated amount to provide an elevated storage capacity of 100 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.						

Avoided Costs

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

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

Approx. Cost of Compliance	\$5,000	TOTAL	\$708
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Compliance History Report

Compliance History Report for CN600665970, RN101452621, Rating Year 2021 which includes Compliance History (CH) components from September 1, 2016, through August 31, 2021.

Customer, Respondent, or Owner/Operator: CN600665970, Woodlake Josserand WSC **Classification:** NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN101452621, WOODLAKE JOSSERAND WSC **Classification:** NOT APPLICABLE **Rating:** N/A

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

CH Group: 14 - Other

Location: 3908 EAST UNITED STATES HIGHWAY 287 NEAR GROVETON, TRINITY COUNTY, TEXAS

TCEQ Region: REGION 10 - BEAUMONT

ID Number(s):

PUBLIC WATER SYSTEM/SUPPLY REGISTRATION
2280010

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

Date Compliance History Report Prepared: August 30, 2022

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: August 30, 2017 to August 30, 2022

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

Name: Miles Wehner

Phone: (512) 239-2813

Site and Owner/Operator History:

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

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

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

- 1 Effective Date: 09/24/2019 ADMINORDER 2018-1552-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failed to obtain a sanitary control easement that covers the land within 150 feet of Well No. 1. Specifically, Highway 287 was noted within the existing 150-foot radius.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
Description: Failed to maintain an up-to-date chemical and microbiological monitoring plan that is subject to the review and approval of the Executive Director, and a copy of which is maintained at each water treatment plant and at a central location. Specifically, a copy of the monitoring plan was not maintained at the plants.
Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
Description: Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, containment facilities were not provided for the sulfuric acid and polyphosphate tanks at plant No. 1 and the polyphosphate tank at plant No. 2.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to provide two or more pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection at each pump station or pressure plane. Specifically, with 296 connections, 592 gpm of pump capacity is required. However, only 450 gpm was provided, indicating a 24% deficiency.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, with 296 connections, 29,600 gallons of elevated storage capacity, or 5,920 gallons of pressure tank capacity, is required. However, only 5,727 gallons and 3,500 gallons were provided, respectively, indicating a 41% deficiency.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.39(j)

5A THSC Chapter 341, SubChapter A 341.0351

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 water system began operating as one pressure plane instead of two resulting in a change in the Facility's production and capacity without first notifying the Executive Director.

2 Effective Date: 03/06/2020 ADMINORDER 2019-0836-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

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 1Q2019 - During the first quarter of 2019 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.147 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.127 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 4Q2018 - During the fourth quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.178 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.159 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 3Q2018 - During the third quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.160 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.148 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 2Q2018 - During the second quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.127 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.133 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302 ORDER

Description: TTHM LRAA MCL 1Q2018 - During the first quarter of 2018 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.108 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.103 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 4Q2017 - During the fourth quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.103 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.094 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 3Q2017 - During the third quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.097 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.086 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

5A THSC Chapter 341, SubChapter A 341.0315

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM LRAA MCL 2Q2017 - During the second quarter of 2017 the system violated the maximum contaminant level for trihalomethanes with a LRAA of 0.100 mg/L at 2441 Piney Creek Road, Woodlake (DBP2-01) and with a LRAA of 0.097 mg/L at 205 V B Wood Rd Woodlake (DBP2-02).

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.117(j)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: LCR LCN 06/01/2017 to 09/30/2017- 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 01/01/2015 to 12/31/2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 4Q2018 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 during the fourth quarter of 2018.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 3Q2018 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 during the third quarter of 2018.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 2Q2018 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 during the second quarter of 2018.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 1Q2018 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 during the first quarter of 2018.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 4Q2017 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 during the fourth quarter of 2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 3Q2017 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 during the third quarter of 2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: TTHM DBP2 MCL PN 2Q2017 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 during

the second quarter of 2017.

Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: DBP2 TTHM OEL Reporting PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a trihalomethanes operational evaluation level reporting violation at 2441 Piney Creek Road, Woodlake (DBP2-01) and 205 V B Wood Rd, Woodlake (DBP2-02).

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 291, SubChapter D 291.76

Rqmt Prov: 2016-1302-PWS-E ORDER

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 10936 for the calendar years 2016 and 2018.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WOODLAKE-JOSSERAND
WATER SUPPLY CORPORATION
RN101452621**

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

AGREED ORDER DOCKET NO. 2021-0979-PWS-E

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

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

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

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at 3908 East United States Highway 287 near Groveton, Trinity County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 303 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 for the Facility on May 24, 2021 through May 28, 2021 and on June 14, 2021, investigators documented that the Respondent:
 - a. Did not mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the

information in the CCR is correct and consistent with compliance monitoring data for the calendar years 2018 and 2019.

- b. Did not provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification was distributed in a manner consistent with TCEQ requirements for the January 1, 2020 through December 31, 2020 monitoring period.
 - c. Did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") based on the locational running annual average for the second quarter of 2017 through the fourth quarter of 2018. Specifically, letters from the Executive Director required public notification be provided by September 11, 2017 for the second quarter of 2017, January 14, 2018 for the third quarter of 2017, March 7, 2018 for the fourth quarter of 2017, June 20, 2018 for the first quarter of 2018, September 27, 2018 for the second quarter of 2018, December 27, 2018 for the third quarter of 2018, and April 3, 2019 for the fourth quarter of 2018.
 - d. Did not provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for Stage 2 Disinfection Byproducts ("DBP2") at Site 1 and Site 2 during the fourth quarter of 2017.
3. During an investigation conducted at the Facility on October 12, 2021, investigators documented that:
 - a. The standpipe at Plant No. 2 was not inspected in 2020.
 - b. The waterline located along the west side of V.B. Woods Road is looped while the distribution map did not show it was looped.
 - c. The boil water notice posted on August 25, 2021, and the associated rescind notice did not follow the specified language and format and were not signed and dated.
 - d. Gas chlorine and polyphosphate are considered incompatible and were stored in the same room.
 - e. The seam of the roof and siding of the ground storage tank at Plant No. 1 was rusted.

- f. The Facility had 196 connections in Pressure Plane No. 2 requiring a well capacity of 117.6 gallons per minute ("gpm"). However, only 96 gpm of well capacity was provided, indicating a 18% deficiency.
 - g. Records for the results of storage tank inspections were not maintained on-site for review.
 - h. The respondent did not maintain a thorough and up-to-date plant operations manual for operator review and reference.
 - i. The Facility was operating the LaMotte 1200 series colorimeter with Hach N,N-diethyl-p-phenylenediamine ("DPD") pillow packets when it was required to run LaMotte DPD reagents.
 - j. An up-to-date copy of the monitoring plan was not maintained at the plants.
 - k. At Well No. 1, Highway 287 was noted within the existing 150-foot radius.
 - l. Pressure Plane No. 2 had 196 connections requiring 19,600 gallons of elevated storage capacity. However, only 5,727 gallons of elevated storage capacity was provided, indicating a 71% deficiency.
 - m. The well casing for Well No. 1 was rusted, the generator at Plant Nos. 1 and 2 were not functioning, and the sample tap connected to the feet-of-water gauge was heavily corroded.
4. The Executive Director recognizes that by October 12, 2021, the Respondent began maintaining water works operation and maintenance records at the Facility.

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 mail or directly deliver one copy of the CCR to each bill paying customer by July 1 for each year, and failed to submit to the TCEQ by July 1 for each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
- 3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to provide a consumer notification of lead tap water monitoring results to persons served at the sites (taps) that were tested, and failed to mail a copy of the consumer notification of tap results to the Executive Director along with certification that the consumer notification was distributed in a manner consistent with TCEQ requirements, in violation of 30 TEX.

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION

DOCKET NO. 2021-0979-PWS-E

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ADMIN. CODE § 290.117(i)(6) and (j) and TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.i.

4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for TTHM based on the locational running annual average, in violation of TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii.
5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for DBP2, in violation of TCEQ Agreed Order Docket No. 2019-0836-PWS-E, Ordering Provision No. 2.a.ii.
6. As evidenced by Finding of Fact No. 3.a, the Respondent failed to inspect the Facility's elevated storage tank ("EST") annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
7. 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).
8. As evidenced by Finding of Fact No. 3.c, the Respondent failed to issue a boil water notification to the customers of the Facility using the applicable language and prescribed format specified in 30 TEX. ADMIN. CODE § 290.47(c)(1), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1).
9. As evidenced by Finding of Fact No. 3.d, the Respondent failed to provide separate containment facilities for chemicals that are incompatible, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(IV).
10. As evidenced by Finding of Fact No. 3.e, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
11. As evidenced by Finding of Fact No. 3.f, the Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
12. As evidenced by Finding of Fact No. 3.g, 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)(D)(ii).

13. As evidenced by Finding of Fact No. 3.h, the Respondent failed to maintain a thorough and up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l).
14. As evidenced by Finding of Fact No. 3.i, the Respondent failed to use an acceptable analytical method for disinfectant analyses, in violation of 30 TEX. ADMIN. CODE § 290.119(b)(7).
15. As evidenced by Finding of Fact No. 3.j, the Respondent failed to maintain an up-to-date chemical and microbiological monitoring plan that is subject to the review and approval of the Executive Director, and a copy of which is maintained at each water treatment plant and at a central location, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.a.i.
16. As evidenced by Finding of Fact No. 3.k, the Respondent failed to obtain a sanitary control easement that covers the land within 150 feet of the Facility's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(f) and TCEQ Agreed Order Docket No. 2018-1552-PWS-E, Ordering Provision No. 2.c.
17. As evidenced by Finding of Fact No. 3.l, the Respondent failed to provide an elevated storage capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
18. As evidenced by Finding of Fact No. 3.m, the Respondent failed to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, in violation of 30 TEX. ADMIN. CODE § 290.46(m).
19. 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.
20. An administrative penalty in the amount of \$14,415 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 \$14,415 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. 20 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: WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION, Docket No. 2021-0979-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. Mail or directly deliver one copy of the CCR prepared using the compliance data for the most recent calendar year to each bill paying customer and make a good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE §§ 290.271 and 290.274;
 - ii. Provide consumer notification of lead tap water monitoring results to persons served at all sites (taps) that were tested during the January 1, 2020 through December 31, 2020 monitoring period. Submit to the Executive Director a sample copy of the consumer notification and certification that consumer notification was distributed in a manner consistent with TCEQ requirements, in accordance with 30 TEX. ADMIN. CODE § 290.117;
 - iii. Provide public notification and submit a copy of each public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to comply with the MCL for TTHM based on the locational running annual average for the second quarter of 2017 through the fourth quarter of 2018 and the failure to submit a written operation evaluation report to the Executive Director within 90 days after being notified of analytical results that caused an exceedance of the operational evaluation level for TTHM for DBP2 at Site 1 and Site 2 during the fourth quarter of 2017, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - iv. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to persons served by the Facility and that a copy of the public notification, accompanied with a signed Certificate of Delivery, is submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE § 290.122;
 - v. Conduct an inspection of the Facility's EST, in accordance with 30 TEX. ADMIN. CODE § 290.46;

- vi. 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;
 - vii. Develop and begin maintaining a written protocol that is to be followed to ensure boil water notifications are provided to customers in the specified format and provided to the Executive Director within 24 hours or no later than the next business day after issuance, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - viii. Initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment, including repairing the seam of the roof and siding of the ground storage tank at Plant No. 1, the well casing for Well No. 1, the generators at Plant Nos. 1 and 2, and the sample tap connected to the feet-of-water gauge, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ix. Update the Facility's operational guidance and conduct employee training to ensure that the LaMotte 1200 series colorimeter is being operated with LaMotte DPD reagents, in accordance with 30 TEX. ADMIN. CODE § 290.119.
- b. Within 45 days after the effective date of this Order:
- i. Submit written certification as described in Ordering Provision No. 2.h 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.ix; and
 - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been provided to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

CCR Coordinator
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
- c. Within 60 days after the effective date of this Order:
- i. Submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including

photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii;

- ii. Develop and maintain a chemical and microbiological monitoring plan that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the Facility will use to comply with the monitoring requirements, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - iii. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.d.ii and 2.d.iii.
- e. Within 90 days after the effective date of this Order:
- i. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's Well No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). The exception request shall be submitted to:

Technical Review and Oversight Team
Water Supply Division, MC 159
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Provide separate containment facilities for the gas chlorine and polyphosphate storage containers, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.h below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 180 days after the effective date of this Order:
- i. Provide an elevated storage capacity of at least 100 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and

- ii. Provide a well capacity of at least 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- h. Within 195 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 Nos. 2.g.i and 2.g.ii. 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:

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

and a copy to:

Water Section Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

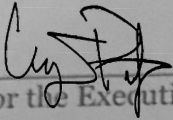
- 3. All relief not expressly granted in this Order is denied.
- 4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced 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 Enforcement Division 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



For the Executive Director

Date

5/15/2023

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

Keith Hosinger

Name (Printed or typed)

Authorized Representative of

WOODLAKE-JOSSERAND WATER SUPPLY CORPORATION

Date

1-26-23

Title

manager

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