

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 62904  
MAPLE WATER SUPPLY CORPORATION  
RN101458156  
Docket No. 2022-1133-UTL-E

**Order Type:**  
Default Order

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
3198 Farm-to-Market Road 596, Maple, Bailey County (the “Utility”)

**Type of Operation:**  
water utility

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	\$606
Past-Due Fees:	\$2,928.71
Other:	None
Interested Third Parties:	None

**Texas Register Publication Date:** July 28, 2023

**Comments Received:** None

**Penalty Information**

**Total Penalty Assessed:** \$625

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

**Total Due to General Revenue:** \$625

**Compliance History Classifications:**

Person/CN - Unclassified  
Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** None

**Applicable Penalty Policy:** January 28, 2021

**Investigation Information**

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

**Date(s) of Investigation:** September 9, 2022

**Date(s) of NOV(s):** July 8, 2022

**Date(s) of NOE(s):** September 9, 2022

**Violation Information**

Failed to adopt and submit to TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Utility's ability to provide emergency operations [TEX. WATER CODE § 13.1394(b)(2)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**

None

**Technical Requirements:**

1. Within 90 days develop and submit to TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations. The EPP must demonstrate Respondent's ability to provide emergency operations.  
Respond completely to all requests for information about the submitted or forthcoming EPP.
2. Within 105 days submit written certification to demonstrate compliance with Technical Requirement No. 1.
3. Within 270 days obtain approval from TCEQ for the EPP submitted pursuant to Technical Requirement No. 1.
4. Within 285 days submit written certification to demonstrate compliance with Technical Requirement No. 3.

**Litigation Information**

**Date Petition(s) Filed:** February 21, 2023  
**Date(s) of Service:** February 24, 2023  
**Date Answer(s) Filed:** N/A

**Contact Information**

**TCEQ Attorneys:** Megan L. Grace, Litigation Division, (512) 239-3400  
Sheldon Wayne, Public Interest Counsel, (512) 239-6363  
**TCEQ Litigation Agenda Coordinator:** Katherine McKenzie, Litigation Division, (512) 239-2575  
**TCEQ Enforcement Coordinator:** Epifanio Villarreal, Enforcement Division, (361) 881-6991  
**TCEQ Regional Contact:** Jay Keith, Lubbock Regional Office, (806) 796-7092  
**Respondent Contact:** Dan Simpson, Vice President, MAPLE WATER SUPPLY CORPORATION, 821  
County Road 1376, Morton, Texas 79346-7105  
**Respondent's Attorney:** N/A



# Penalty Calculation Worksheet (PCW)

Policy Revision 5 (January 28, 2021)

PCW Revision February 11, 2021

<b>DATES</b>	<b>Assigned</b>	12-Sep-2022	<b>Screening</b>	15-Sep-2022	<b>EPA Due</b>	
	<b>PCW</b>	24-Oct-2022				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	MAPLE WATER SUPPLY CORPORATION
<b>Reg. Ent. Ref. No.</b>	RN101458156
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	62904	<b>No. of Violations</b>	1
<b>Docket No.</b>	2022-1133-UTL-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Ecko Beggs
		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

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

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

<b>Compliance History</b>	<b>25.0%</b>	Adjustment	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$125</b>
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Notes: Enhancement for one agreed order without a denial of liability.

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

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	<b>0.0%</b>	Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$7  
 Estimated Cost of Compliance: \$180  
 \*Capped at the Total EB \$ Amount

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

Notes:

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

Notes: Deferral not offered for non-expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$625</b>
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**Screening Date** 15-Sep-2022

**Docket No.** 2022-1133-UTL-E

**PCW**

**Respondent** MAPLE WATER SUPPLY CORPORATION

*Policy Revision 5 (January 28, 2021)*

**Case ID No.** 62904

*PCW Revision February 11, 2021*

**Reg. Ent. Reference No.** RN101458156

**Media** Public Water Supply

**Enf. Coordinator** Ecko Beggs

### Compliance History Worksheet

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

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

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

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

N/A

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

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

Unclassified

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

#### >> Compliance History Summary

**Compliance History Notes**

Enhancement for one agreed order without a denial of liability.

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

#### >> Final Compliance History Adjustment

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

**Screening Date** 15-Sep-2022  
**Respondent** MAPLE WATER SUPPLY CORPORATION  
**Case ID No.** 62904  
**Reg. Ent. Reference No.** RN101458156  
**Media** Public Water Supply  
**Enf. Coordinator** Ecko Beggs

**Docket No.** 2022-1133-UTL-E

**PCW**

*Policy Revision 5 (January 28, 2021)*

*PCW Revision February 11, 2021*

**Violation Number** 1

**Rule Cite(s)**

Tex. Water Code § 13.1394(b)(2)

**Violation Description**

Failed to adopt and submit to the TCEQ for approval an emergency preparedness plan ("EPP") that demonstrates the Facility's ability to provide emergency operations.

**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 Number of violation days 6

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** \$7

**Violation Final Penalty Total** \$625

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

## Economic Benefit Worksheet

**Respondent** MAPLE WATER SUPPLY CORPORATION  
**Case ID No.** 62904  
**Reg. Ent. Reference No.** RN101458156  
**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)	\$180	9-Sep-2022	24-Jun-2023	0.79	\$7	n/a	\$7

**Notes for DELAYED costs**

The delayed cost includes the estimated amount to develop and submit to the TCEQ for approval an EPP that demonstrates the Facility's ability to provide emergency operations, 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

\$180

**TOTAL**

\$7



# Compliance History Report

Compliance History Report for CN600675300, RN101458156, Rating Year 2022 which includes Compliance History (CH) components from September 1, 2017, through August 31, 2022.

**Customer, Respondent, or Owner/Operator:** CN600675300, MAPLE WATER SUPPLY CORPORATION  
**Classification:** UNCLASSIFIED  
**Rating:** -----

**Regulated Entity:** RN101458156, MAPLE WSC  
**Classification:** NOT APPLICABLE  
**Rating:** N/A

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

**CH Group:** 14 - Other

**Location:** 3198 FARM-TO-MARKET ROAD 596 IN MAPLE, BAILEY COUNTY, TEXAS

**TCEQ Region:** REGION 02 - LUBBOCK

**ID Number(s):**  
**PUBLIC WATER SYSTEM/SUPPLY REGISTRATION** 0090011

**Compliance History Period:** September 01, 2017 to August 31, 2022  
**Rating Year:** 2022  
**Rating Date:** 09/01/2022

**Date Compliance History Report Prepared:** September 14, 2022

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** September 14, 2017 to September 14, 2022

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**  
**Name:** Ecko Beggs  
**Phone:** (512) 239-2905

## **Site and Owner/Operator History:**

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

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

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

- 1 Effective Date: 11/16/2018 ADMINORDER 2018-0017-PWS-E (Findings Order-Agreed Order Without Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)(4)(B)
- Description: GWR Triggered Source MR Violation 01/2015 - Failure to collect and/or report triggered source monitoring sample(s) following a coliform found result within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter F 290.117(c)(2)(C)  
30 TAC Chapter 290, SubChapter F 290.117(h)  
30 TAC Chapter 290, SubChapter F 290.117(i)(1)
- Description: LCR RD MR 3Y2017 - The system failed to monitor and/or report distribution lead and copper levels to the TCEQ for the triennial reduced monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)
- Description: CCR 2016 - The system failed to provide the Consumer Confidence Report (CCR) for 2016 to its bill-paying customers and/or the TCEQ by July 1st of the following year.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)
- Description: CCR 2015 - The system failed to provide the Consumer Confidence Report (CCR) for 2015 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
30 TAC Chapter 290, SubChapter H 290.274(a)  
30 TAC Chapter 290, SubChapter H 290.274(c)

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

Classification: Moderate

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

Description: DLQOR MR PN 4Q2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 4th quarter of 2016.

Classification: Moderate

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

Description: DLQOR MR PN 3Q2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant monitoring and reporting violation during the 3rd quarter of 2015.

Classification: Moderate

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

Description: JUN/2015 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 06/2015.

Classification: Moderate

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

Description: JAN/2015 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 01/2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees and any associated late fees for TCEQ Financial Administration Account No. 90090011 for Fiscal Years 2016 and 2017.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702  
30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay adequate regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 11377 for calendar year 2016.

**B. Criminal convictions:**

N/A

**C. Chronic excessive emissions events:**

N/A

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

Item 1	August 09, 2018	(1505350)
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**E. Written notices of violations (NOV) (CCEDS Inv. Track. No.):**

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

N/A

**F. Environmental audits:**

N/A

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

N/A



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

N/A

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

N/A

**J. Early compliance:**

N/A

**Sites Outside of Texas:**

N/A



- 5 Date: 04/23/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 02/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 6 Date: 05/14/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 03/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 7 Date: 06/16/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 04/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 8 Date: 07/02/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 1Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the first quarter of 2020 within the required timeline.
- 9 Date: 07/16/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 05/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.

- 10 Date: 08/17/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 06/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 11 Date: 08/31/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 07/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 12 Date: 09/29/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.109(d)  
 30 TAC Chapter 290, SubChapter F 290.109(d)(2)(F)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(4)  
 30 TAC Chapter 290, SubChapter F 290.109(g)(5)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(a)(1)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.853(c)  
 40 CFR Chapter 141, SubChapter D, PT 141, SubPT Y 141.860(c)  
 Description: RTCR Routine MR Violation 08/2020 - Failure to collect and/or submit all routine monitoring sample(s) within the required timeline.
- 13 Date: 09/30/2020 (1684765)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter F 290.110(e)(4)(A)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: DLQOR MR 2Q2020 - The system failed to monitor and/or report distribution disinfectant residuals to the TCEQ for the second quarter of 2020 within the required timeline.
- 14 Date: 06/11/2021 (1712013)  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
 Description: Failure to calibrate / verify flow meters every three years.  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
 Description: Failure to calibrate / verify the manual disinfectant residual analyzer.  
 Self Report? NO Classification: Moderate  
 Citation:  
 30 TAC Chapter 290, SubChapter D 290.46(t)  
 Description: Failure to post a system ownership sign.

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
MAPLE WATER SUPPLY  
CORPORATION;  
RN101458156**

**§  
§  
§  
§  
§  
§**

**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2022-1133-UTL-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition, filed pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is MAPLE WATER SUPPLY CORPORATION (“Respondent”).

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

### **FINDINGS OF FACT**

1. Respondent owns and/or operates, for compensation, a water utility located at 3198 Farm-to-Market Road 596 in Maple, Bailey County, Texas (the “Utility”). The Utility is a retail public utility, exempt utility, or provider or conveyor of potable or raw water service that furnishes water service to more than one customer and is not located in a county with a population of 3.3 million or more or in a county with a population of 550,000 or more adjacent to a county with a population of 3.3 million or more. As such, the Utility is an “affected utility” as defined in TEX. WATER CODE § 13.1394(a)(1), and Respondent is subject to the jurisdiction of TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13.
2. During a record review conducted on and around September 9, 2022, an investigator documented that Respondent failed to adopt and submit to TCEQ for approval an emergency preparedness plan (“EPP”) that demonstrates the Utility’s ability to provide emergency operations.
3. The Executive Director filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MAPLE WATER SUPPLY CORPORATION” (the “EDPRP”) in the TCEQ Chief Clerk’s office on February 21, 2023.
4. By letter dated February 21, 2023, sent to Respondent’s last known address via certified mail, return receipt requested, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. According to the return receipt “green card,” Respondent received notice of the EDPRP on February 24, 2023, as evidenced by the signature on the card.
5. More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing.

### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 13, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2, Respondent failed to adopt and submit to TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in violation of TEX. WATER CODE § 13.1394(b)(2).
3. As evidenced by Findings of Fact Nos. 3 and 4, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.104(b)(1).
4. As evidenced by Finding of Fact No. 5, Respondent failed to file a timely answer as required by TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. WATER CODE § 13.4151, TEX. HEALTH & SAFETY CODE § 341.049, and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
5. Pursuant to TEX. WATER CODE § 13.4151 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
6. An administrative penalty in the amount of six hundred twenty-five dollars (\$625.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. WATER CODE § 13.4151(b).
7. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty in the amount of six hundred twenty-five dollars (\$625.00) for violations of state statutes and rules of the TCEQ. The payment of this penalty and 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 which are not raised here.
2. The penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to TCEQ and shall be sent with the notation "Re: MAPLE WATER SUPPLY CORPORATION; Docket No. 2022-1133-UTL-E" to:  

Financial Administration Division  
Revenue Operations Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088
3. Respondent shall undertake the following technical requirements:
  - a. Within 90 days after the effective date of this Order, develop and submit to TCEQ for approval an EPP that demonstrates the Utility's ability to provide emergency operations, in accordance with TEX. WATER CODE § 13.1394(b)(2). The EPP must

demonstrate Respondent's ability to provide emergency operations, as described by TEX. WATER CODE § 13.1394(b)(1), and shall be submitted to:

Emergency Response and Preparedness Section, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711

Respondent shall respond completely and adequately, as determined by TCEQ, within 10 days or by any other deadline specified in writing, to all requests for information about the submitted or forthcoming EPP.

- b. Within 105 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.a.
- c. Within 270 days after the effective date of this Order, obtain approval from TCEQ for the EPP submitted pursuant to Ordering Provision No. 3.a., in accordance with TEX. WATER CODE § 13.1394(b)(2).
- d. Within 285 days after the effective date of this Order, submit written certification, in accordance with Ordering Provision No. 3.e., to demonstrate compliance with Ordering Provision No. 3.c.
- e. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation including photographs, receipts, and/or other records, shall be signed by 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 fine and imprisonment for knowing violations."

The written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Utility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and

substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.

7. If Respondent fails to comply with any of the Ordering Provisions in this Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Respondent's failure to comply is not a violation of this Order. Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Respondent shall notify the Executive Director within seven days after Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
8. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas for further enforcement proceedings without notice to Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this fully executed Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

\_\_\_\_\_  
Date

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



## UNSWORN DECLARATION OF MEGAN L. GRACE

"On behalf of the Executive Director of the Texas Commission on Environmental Quality, the 'Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of MAPLE WATER SUPPLY CORPORATION' (the "EDPRP") was filed in the TCEQ Chief Clerk's office on February 21, 2023.

The EDPRP was mailed to Respondent's last known address on February 21, 2023, via certified mail, return receipt requested. According to the return receipt 'green card,' Respondent received notice of the EDPRP on February 24, 2023, as evidenced by the signature on the card.

More than 20 days have elapsed since Respondent received notice of the EDPRP. Respondent failed to file an answer and failed to request a hearing."

"My name is Megan L. Grace, and I am an employee of the following governmental agency: Texas Commission on Environmental Quality.

I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the foregoing is true and correct."

Executed in Travis County,

State of Texas,

on the 15th day of June, 2023

A handwritten signature in black ink, appearing to read "Megan L. Grace".

Declarant