

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0763-PWS-E **TCEQ ID:** RN101184877 **CASE NO.:** 5631

RESPONDENT NAME: Conrad G. Walton dba Holiday Oaks Subdivision

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Holiday Oaks Subdivision, located on Farm-to-Market Road 1948, 0.5 mile southwest of the intersection of Farm-to-Market Road 1948 and Highway 36, Washington County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Conrad G. Walton, Owner, Holiday Oaks Subdivision, 17230 Huffmeister Road, Cypress, Texas 77429 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: December 29, 2006 and April 12, 2007</p> <p>Date of NOE Relating to this Case: April 12, 2007</p> <p>Background Facts: These were routine investigations. Twelve violations were documented.</p> <p>WATER</p> <p>1) Failed to post legible signs that contain the name of the water supply and emergency telephone numbers where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p> <p>2) Failed to provide concrete sealing blocks on wells one and two that extend at least three feet in all directions from the well casing [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>3) Failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN. CODE § 290.41(c)(3)(N)].</p> <p>4) Failed to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank [30 TEX. ADMIN. CODE § 290.43(d)(3)].</p> <p>5) Failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p>	<p>Total Assessed: \$4,125</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$4,125</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent failed to comply with a prior Commission Order, Docket No. 2002-0209-PWS-E.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes the Respondent implemented the following corrective measures at the Facility:</p> <p>a. On April 27, 2007:</p> <p>i. Housed the hypochlorination solution container in a secure enclosure;</p> <p>ii. Installed a new padlock on the ground storage tank's roof hatch; and</p> <p>iii. Completed the annual inspection of the ground storage tank.</p> <p>b. On June 26, 2007:</p> <p>i. Posted legible signs containing the name of the water supply and emergency telephone numbers at the main building and well number two;</p> <p>ii. Provided concrete sealing blocks for wells one and two that extended at least three feet in all directions from the well casing; and</p> <p>iii. Provided flow measuring devices for each well.</p> <p>c. On June 29, 2007, submitted documentation demonstrating compliance with the free chlorine residual requirement.</p> <p>d. On July 11, 2007, submitted documentation providing compliance with the 1.5 gpm well capacity requirement, as documented and confirmed by the Waco Regional Office.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, implement procedures to ensure boil water notifications are provided to the customers.</p>

<p>6) Failed to secure the water storage tank's roof hatch [30 TEX. ADMIN. CODE § 290.43(c)(2)].</p> <p>7) Failed to issue a boil water notice within 24 hours after the occurrences of chlorine residual measurements below 0.2 milligrams per liter ("mg/L") [30 TEX. ADMIN. CODE § 290.46(q)(1)].</p> <p>8) Failed to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>9) Failed to conduct an annual inspection of the water system's ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>10) Failed to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(2)].</p> <p>11) Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of wells one and two [30 TEX. ADMIN. CODE § 290.41(c)(1)(F), Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision No. 2.a.i.].</p> <p>12) Failed to meet the minimum well capacity requirement of 1.5 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision 2.c.].</p>		<p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Equip all air injection lines with filters to prevent compressor lubricants and other contaminants from entering the pressure tanks; and</p> <p>ii. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to microbiological analysis results ranging from January 2006 to June 2006, customer service agreements, verification of ANSI/NSF Standard 60 for sodium hypochlorite, water well calibration meter certificate, and plant operations manual, and make them available at the time of Commission inspections.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.</p> <p>d. Within 90 days after the effective date of this Agreed Order, obtain sanitary control easements or exceptions to the easement requirement that covers the land within 150 feet of wells one and two.</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d.</p>
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Additional ID No(s): PWS ID 2390019



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

TCEQ

DATES	Assigned	23-Apr-2007	Screening	11-May-2007	EPA Due	
	PCW	11-May-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	Conrad G. Walton dba Holiday Oaks Subdivision		
Reg. Ent. Ref. No.	RN101184877		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	5631	No. of Violations	12	
Docket No.	2007-0763-PWS-E	Order Type	Findings	
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal	
Multi-Media		EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History Subtotals 2, 3, & 7

25% Enhancement

Notes

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and one prior administrative order that contains denial of liability.

Culpability Subtotal 4

No 0% Enhancement

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Subtotal 5

0% Reduction

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$3,702	0% Enhancement*
Approx. Cost of Compliance	\$13,720	*Capped at the Total EB \$ Amount

Subtotal 6

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Adjustment

0% Reduction

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements 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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and one prior administrative order that contains denial of liability.

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

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

Matrix Notes

Adjustment

Violation Events

Number of Violation Events

Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	29-Dec-2006	26-Jun-2007	0.5	\$0	\$7	\$7
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount to post proper signs at the main plant and at well number two, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$200	TOTAL	\$7
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Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(J)

Violation Description

Failed to provide concrete sealing blocks on wells one and two that extend at least three feet in all directions from the well casing. Specifically, it was noted that the concrete sealing block on well number one extended 22 inches from the well casing while well number two extended 18 inches from the well casing.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to provide a concrete sealing block that extends three feet in all directions may allow the well to be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

133 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$400

Four quarterly events are recommended (two events for each well), calculated from the date of the investigation, December 29, 2006 to the date of screening, May 11, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$17

Violation Final Penalty Total \$500

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

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
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	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	29-Dec-2006	26-Jun-2007	0.5	\$1	\$16	\$17
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount to extend the size of the concrete sealing blocks for well numbers one and two, calculated from the date of the investigation to the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500
TOTAL \$17

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(N)

Violation Description Failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data. Specifically, the investigator noted that there was not a separate meter for each of the two wells.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to have an operational flow measuring device prevents the system from obtaining accurate well production data and may result in the system not being able to provide a sufficient water supply.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 133

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

Two single events are recommended. (one event for each well)

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Case ID No. 5631

Reg. Ent. Reference No. RN101184877

Media Public Water Supply

Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment	\$400	29-Dec-2006	26-Jun-2007	0.5	\$1	\$13	\$14
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to provide flow meters for the wells, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$400

TOTAL \$14

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 4

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

Violation Description Failed to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent 10%
Potential			x		

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification					Percent 0%

Matrix Notes

Failing to equip air injection lines with filters could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 133

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended from the date of the investigation, December 29, 2006, to the date of screening May 11, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Case ID No. 5631

Reg. Ent. Reference No. RN101184877

Media Public Water Supply

Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description **Item Cost** **Date Required** **Final Date** **Yrs** **Interest Saved** **Onetime Costs** **EB Amount**
No commas or \$

Delayed Costs

Equipment	\$100	29-Dec-2006	1-Jan-2008	1.0	\$0	\$7	\$7
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to equip the air compressor line with a filter, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.42(e)(5)

Violation Description Failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Without proper housing and containment for chemicals and equipment, employees and customers of the water supply could be exposed to significant amounts of water treatment chemicals, which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2 Number of violation days 119

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$200

Two quarterly events are recommended from the date of the investigation, December 29, 2006, to the date of compliance, April 27, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11

Violation Final Penalty Total \$250

This violation Final Assessed Penalty (adjusted for limits) \$250

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings	\$500	29-Dec-2006	27-Apr-2007	0.3	\$1	\$11	\$11
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: The delayed cost includes the amount to properly house the hypochlorination solution container, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$500	TOTAL	\$11
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Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(2)

Violation Description Failed to secure the water storage tank's roof hatch. Specifically, it was noted that at the time of the investigation, the water storage tank's lock was broken.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to secure the roof hatch could expose customers of the water supply to insignificant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1

119 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$63

This violation Final Assessed Penalty (adjusted for limits) \$63

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$20	29-Dec-2006	27-Apr-2007	0.3	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to replace the roof hatch's lock, calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$20

TOTAL

\$0

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent: Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 7

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

Violation Description Failed to issue a boil water notice within 24 hours after the occurrences of chlorine residual measurements below 0.2 milligrams per liter ("mg/L"). Specifically, at the time of the investigation, a review of the chlorine residual logs revealed that chlorine residuals measured 0.0 mg/L from July 1 through July 23, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

1 22 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$500

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	1-Jul-2006	23-Jul-2006	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to provide all customers of the water supply with a boil water notice, calculated for dates when the low chlorine residual occurred.

Approx. Cost of Compliance \$500

TOTAL \$500

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 8

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

Violation Description Failed to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times. Specifically, at the time of the investigation, the chlorine monitoring logs showed 0.0 mg/L from July 1 through July 23, 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

1

22 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$250

One monthly event is recommended for the 22 days (July 1-23, 2006) without water chlorination.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$219

Violation Final Penalty Total \$313

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

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)	\$200	1-Jul-2006	29-Jun-2007	1.9	\$19	\$200	\$219

Notes for AVOIDED costs

The avoided cost includes the amount to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system, calculated from the date of the investigation to the date of compliance.

Approx. Cost of Compliance \$200

TOTAL \$219

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 9

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

Violation Description Failed to conduct an annual inspection of the water system's ground storage tank.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Complete failure to perform an inspection of the ground storage tank could result in non-detection of a tank defect causing loss of tank integrity and customers of the water supply could be exposed to significant amounts of contamination that would not exceed levels that are protective of human health and environmental receptors.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

365 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty \$100

One annual event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$105

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$100	29-Dec-2005	29-Dec-2006	1.0	\$5	\$100	\$105
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to conduct the annual inspection of the ground storage tank, calculated for the one year prior to the date of the investigation.

Approx. Cost of Compliance \$100

TOTAL \$105

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 10

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

Violation Description Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, there were no microbiological analysis results ranging from January 2006 to June 2006, customer service agreements, verification of American National Standards Institute/ National Sanitation Foundation ("ANSI/NSF") Standard 60 for sodium hypochlorite, water well calibration meter certificate, and plant operations manual.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual				0%	
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			10%

Matrix Notes Approximately 70% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 133

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$1,000	29-Dec-2006	1-Jan-2008	1.0	\$50	n/a	\$50
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to maintain system records, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$1,000	TOTAL	\$50
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Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 11

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F), Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision No. 2.a.i.

Violation Description Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of wells one and two.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			x	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without a sanitary control easement, contaminants could enter the well and customers of the water supply could be exposed to insignificant amounts of contaminants that do not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 1361

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$100

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$63

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Case ID No. 5631

Reg. Ent. Reference No. RN101184877

Media Public Water Supply

Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	29-Aug-2003	1-Mar-2008	4.5	\$3	\$60	\$63
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to obtain sanitary control easements or exceptions to the easement requirement, calculated from the effective date of the Agreed Commission Order 2002-0209-PWS-E, to the estimated date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$63

Screening Date 11-May-2007

Docket No. 2007-0763-PWS-E

PCW

Respondent Conrad G. Walton dba Holiday Oaks Subdivision

Policy Revision 2 (September 2002)

Case ID No. 5631

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101184877

Media [Statute] Public Water Supply

Enf. Coordinator Epifanio Villarreal

V12 12

Rule Cite(s)

30 Tex. Admin. Code § 290.45(b)(1)(A)(i), Tex. Health & Safety Code § 341.0315(c), Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision 2.c.

Violation Description

Failed to meet the minimum well capacity requirement of 1.5 gallons per minute ("gpm") per connection. Specifically, the water supply well produces 46 gpm and the system requires 63 gpm, which is 27% deficient.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Without sufficient well capacity, customers of the water supply could possibly experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 15

1361 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,500

Fifteen quarterly events are recommended from the effective date of the Agreed Order Docket No. 2002-0209-PWS-E, August 29, 2003, to the date of screening May 11, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2,708

Violation Final Penalty Total \$1,875

This violation Final Assessed Penalty (adjusted for limits) \$1,875

Economic Benefit Worksheet

Respondent Conrad G. Walton dba Holiday Oaks Subdivision
Case ID No. 5631
Reg. Ent. Reference No. RN101184877
Media Public Water Supply
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

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

Item Description No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Bulldings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$10,000	29-Aug-2003	11-Jul-2007	3.9	\$129	\$2,579	\$2,708
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the amount to meet the minimum well capacity requirement of 1.5 gpm per connection, calculated from the effective date of the Agreed Commission Order 2002-0209-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$10,000	TOTAL	\$2,708
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Date: 11/16/2006 (518555)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(A)(i)
4G THC Chapter 321, SubChapter D 341.0315(c)

Description: Failure to provide adequate well capacity.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to obtain a sanitary easement for wells 1 and 2.

Self Report? NO Classification: Major

Citation: 2A TWC Chapter 7, SubChapter A 7.101

Rqmt Prov: ORDER Ordering Provisions 2.a.ii. and 2.c.

Description: Failure to comply with the Ordering Provisions of Commission Order 2002-0209-PWS-E.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CONRAD G. WALTON DBA HOLIDAY	§	TEXAS COMMISSION ON
OAKS SUBDIVISION	§	
RN101184877	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2007-0763-PWS-E**

At its _____ agenda, the Texas Commission on Environmental Quality (“the Commission” or “TCEQ”) considered this agreement of the parties, resolving an enforcement action regarding Conrad G. Walton dba Holiday Oaks Subdivision (“Mr. Walton”) under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Walton presented this agreement to the Commission.

Mr. Walton understands that he has certain procedural rights at certain points in the enforcement process, including, but not limited to, 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 Agreed Order, Mr. Walton agrees to waive all notice and procedural rights.

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

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

I. FINDINGS OF FACT

1. Mr. Walton owns and operates a public water supply on Farm-to-Market Road 1948, 0.5 mile southwest of the intersection of Farm-to-Market Road 1948 and Highway 36, in Washington

County, Texas (the "Facility") that has approximately 36 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not post legible signs that contain the name of the water supply and emergency telephone numbers where a responsible official can be contacted. Specifically, it was noted that the main plant and well number two did not have ownership signs.
3. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not provide concrete sealing blocks on wells one and two that extend at least three feet in all directions from the well casing. Specifically, it was noted that the concrete sealing block on well number one extended 22 inches from the well casing while well number two extended 18 inches from the well casing.
4. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not provide flow measuring devices to measure production yields and provide for the accumulation of water production data. Specifically, the investigator noted that there was not a separate meter for each of the two wells.
5. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank.
6. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism.
7. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not secure the water storage tank's roof hatch. Specifically, it was noted that at the time of the investigation, the water storage tank's lock was broken.
8. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not issue a boil water notice within 24 hours after the occurrences of chlorine residual measurements below 0.2 milligrams per liter ("mg/L"). Specifically, at the time of the investigation, a review of the chlorine residual logs revealed that chlorine residuals measured 0.0 mg/L from July 1 through July 23, 2006.
9. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times. Specifically, at the time of the investigation, the chlorine monitoring logs showed 0.0 mg/L from July 1 through July 23, 2006.
10. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not conduct an annual inspection of the water system's ground storage tank.

11. During an investigation conducted on December 29, 2006, TCEQ staff documented that Mr. Walton did not provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, there were no microbiological analysis results ranging from January 2006 to June 2006, customer service agreements, verification of American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 for sodium hypochlorite, water well calibration meter certificate, and plant operations manual.
12. During a record review conducted on April 12, 2007 TCEQ staff documented that Mr. Walton did not provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of wells one and two.
13. During a record review conducted on April 12, 2007, TCEQ staff documented that Mr. Walton did not meet the minimum well capacity requirement of 1.5 gallons per minute ("gpm") per connection.
14. Mr. Walton received notice of the violations dated April 17, 2007.
15. The Executive Director recognizes Mr. Walton implemented the following corrective measures at the Facility:
 - a. On April 27, 2007:
 - i. Housed the hypochlorination solution container in a secure enclosure;
 - ii. Installed a new padlock on the ground storage tank's roof hatch; and
 - iii. Completed the annual inspection of the ground storage tank.
 - b. On June 26, 2007:
 - i. Posted legible signs containing the name of the water supply and emergency telephone numbers at the main building and well number two;
 - ii. Provided concrete sealing blocks for wells one and two that extended at least three feet in all directions from the well casing; and
 - iii. Provided flow measuring devices for each well.
 - c. On June 29, 2007, submitted documentation demonstrating compliance with the free chlorine residual requirement.
 - d. On July 11, 2007, submitted documentation providing compliance with the 1.5 gpm well capacity requirement, as documented and confirmed by the Waco Regional Office.

II. CONCLUSIONS OF LAW

1. Mr. Walton is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Mr. Walton failed to post legible signs that contain the name of the water supply and emergency telephone numbers where a responsible official can be contacted, in violation of 30 TEX. ADMIN. CODE § 290.46(t).
3. As evidenced by Findings of Fact No. 3, Mr. Walton failed to provide concrete sealing blocks on wells one and two that extend at least three feet in all directions from the well casing, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(J).
4. As evidenced by Findings of Fact No. 4, Mr. Walton failed to provide flow measuring devices to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(N).
5. As evidenced by Findings of Fact No. 5, Mr. Walton failed to equip the air injection line with a filter or other device to prevent compressor lubricants and other contaminants from entering the pressure tank, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(3).
6. As evidenced by Findings of Fact No. 6, Mr. Walton failed to house the hypochlorination solution container in a secure enclosure to protect it from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5).
7. As evidenced by Findings of Fact No. 7, Mr. Walton failed to secure the water storage tank's roof hatch, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(2).
8. As evidenced by Findings of Fact No. 8, Mr. Walton failed to issue a boil water notice within 24 hours after the occurrences of chlorine residual measurements below 0.2 milligrams per liter ("mg/L"), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1).
9. As evidenced by Findings of Fact No. 9, Mr. Walton failed to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Findings of Fact No. 10, Mr. Walton failed to conduct an annual inspection of the water system's ground storage tank, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
11. As evidenced by Findings of Fact No. 11, Mr. Walton failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2).
12. As evidenced by Findings of Fact No. 12, Mr. Walton failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of wells one and two, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision No. 2.a.i.

13. As evidenced by Findings of Fact No. 13, Mr. Walton failed to meet the minimum well capacity requirement of 1.5 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and Agreed Order Docket No. 2002-0209-PWS-E; Ordering Provision 2.c.
14. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Walton for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
15. An administrative penalty in the amount of Four Thousand One Hundred Twenty-Five Dollars (\$4,125) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Mr. Walton has paid the Four Thousand One Hundred Twenty-Five Dollar (\$4,125) administrative penalty.

III. ORDERING PROVISIONS

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

1. Mr. Walton is assessed an administrative penalty in the amount of Four Thousand One Hundred Twenty-Five Dollars (\$4,125) as set forth in Section II, Paragraph 15 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Mr. Walton's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Conrad G. Walton dba Holiday Oaks Subdivision, Docket No. 2007-0763-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. Mr. Walton shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, implement procedures to ensure boil water notifications are provided to the customers, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order:

- i. Equip all air injection lines with filters to prevent compressor lubricants and other contaminants from entering the pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to microbiological analysis results ranging from January 2006 to June 2006, customer service agreements, verification of ANSI/NSF Standard 60 for sodium hypochlorite, water well calibration meter certificate, and plant operations manual, and make them available at the time of Commission inspections, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.
 - d. Within 90 days after the effective date of this Agreed Order, obtain sanitary control easements or exceptions to the easement requirement that covers the land within 150 feet of wells one and two, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - e. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.d. The certification shall be notarized by a State of Texas Notary Public and 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 certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Walton. Mr. Walton is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Walton shall be made in writing to the Executive Director. Extensions are not effective until Mr. Walton receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Mr. Walton if the Executive Director determines that Mr. Walton has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Walton in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed 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.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

Conrad G. Walton dba Holiday Oaks Subdivision
DOCKET NO. 2007-0763-PWS-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

10/27/2007
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Conrad G. Walton dba Holiday Oaks Subdivision. I am authorized to agree to the attached Agreed Order on behalf of Conrad G. Walton dba Holiday Oaks Subdivision, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Conrad G. Walton dba Holiday Oaks Subdivision waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

Conrad G. Walton
Signature

10/23/07
Date

CONRAD G. WALTON
Name (Printed or typed)
Authorized Representative of
Conrad G. Walton dba Holiday Oaks Subdivision

OWNER
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order

