

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-0183-PWS-E **TCEQ ID:** RN101191328 **CASE NO.:** 28366
RESPONDENT NAME: Wildwood Circle Property Owners Association, Inc.

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Wildwood Estates Subdivision Water System, Lot Reserve A on Wildwood Circle, near Shepherd, San Jacinto County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 5, 2006. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Mr. David Letourneau, Beaumont Regional Office, MC R-10, (409) 898-3838

Respondent: Mr. David O. Howard, President, Wildwood Circle Property Owners Association, Inc., 110 Wildwood Circle, Box-A9, Shepherd, Texas 77371

Respondent's Attorney: Not represented by counsel on this enforcement matter

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 type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 15, 2005</p> <p>Date of NOE Relating to this Case: December 29, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation. Five violations were documented.</p> <p>WATER</p> <p>1) Failed to retain monitoring records for at least three years. Specifically, the facility failed to retain the chlorine residual monitoring records for the distribution system [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(iii)].</p> <p>2) Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit. Specifically, the water system was using total chlorine reagents to measure the free chlorine residual, and did not have free chlorine reagents needed for their color comparator test kit [30 TEX. ADMIN. CODE § 290.110(d)(3)(C)(ii)].</p> <p>3) Failed to employ an operator with a class "D" or higher license. Specifically, the facility did not employ a licensed water works operator [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p> <p>4) Failed to have disinfectant equipment with a capacity of at least 50 % greater than the highest expected dosage to be applied at any time, and failure to maintain a free chlorine residual of 0.2 mg/L. Specifically, the bleach pump was set at 100 percent and the chlorine residual distribution sample was 0.17 mg/L (0.20 mg/L required) after 15 minutes of flushing [30 TEX. ADMIN. CODE §§ 290.42(e)(3)(A) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$1,150</p> <p>Total Deferred: \$230 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$920</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <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>Ordering Provisions</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator;</p> <p>ii. Ensure all mechanical disinfection facilities are maintaining a free chlorine residual of 0.2 mg/L disinfectant residuals in the far reaches of the distribution system; and</p> <p>iii. Begin using the proper reagents to measure the free chlorine residual.</p> <p>b. Within 30 days after the effective date of this Agreed Order, begin compiling properly completed monthly water works operations reports and establish a retention schedule for three years;</p> <p>c. Within 180 days after the effective date of this Agreed Order, upgrade the pressure tank capacity to accommodate the system as per the number of connections; and</p> <p>d. Within 195 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 a. through c.</p>

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
5) Failed to provide a pressure tank capacity of 50 gallons per connection. Specifically, the system had a pressure tank with a capacity of 1000 gallons and required 1050 gallons (50 gallons x 21 connections) resulting in a 4.76% deficiency (1050-1000)/1050 = 4.76% [30 TEX. ADMIN. CODE §§ 290.45(b)(1)(A)(ii) and 341.0315(c)].		

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF CHEMISTRY
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DATE: 10/11/2001 TIME: 10:10 AM
FROM: J. H. W. (jhw) TO: J. H. W. (jhw)



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	10-Feb-2006	Screening	15-Feb-2006	EPA Due	
	PCW	17-Feb-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Wildwood Circle Property Owners Association, Inc.		
Reg. Ent. Ref. No.	RN101191328		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	28366	No. of Violations	5
Docket No.	2006-0183-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	J. Craig Fleming
Multi-Media		EC's Team	Enforcement Team 4
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 Enhancement Subtotals 2, 3, & 7

Notes

Culpability Enhancement Subtotal 4

Notes

Good Faith Effort to Comply Reduction Subtotal 5

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with a small x)

Notes

Economic Benefit Enhancement* Subtotal 6

Total EB Amounts	<input type="text" value="\$6,822"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$9,750"/>	

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 Reduction Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 15-Feb-2006	Docket No. 2006-0183-PWS-E	PCW
Respondent Wildwood Circle Property Owners Association, Inc.	Policy Revision 2 (September 2002)	
Case ID No. 28366	PCW Revision May 19, 2005	
Reg. Ent. Reference No. RN101191328		
Media [Statute] Public Water Supply		
Enf. Coordinator J. Craig Fleming		

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)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	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)	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%
<i>Please Enter Yes or No</i>			
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) 10%

>> **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

A 10% enhancement is recommended due to the respondent having received two NOV with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 10%

Screening Date 15-Feb-2006 **Docket No.** 2006-0183-PWS-E **PCW**
Respondent Wildwood Circle Property Owners Association, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 28366 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101191328
Media [Statute] Public Water Supply
Enf. Coordinator J. Craig Fleming
Violation Number 1
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(3)(B)(iii)
Secondary Rule Cite(s)
Violation Description Failure to retain monitoring records for at least three years. Specifically, the facility failed to retain the chlorine residual monitoring records for the distribution system, as documented during the investigation conducted on November 15, 2006.
Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
Falsification				X	Percent 1%

Matrix Notes Most, but not all (at least 70%), of the rule requirement was met.

Adjustment -\$990
Base Penalty Subtotal \$10

Violation Events

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$10

One single event is recommended based on the investigation date of November 15, 2005.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$4 **Violation Final Penalty Total** \$11
This violation Final Assessed Penalty (adjusted for limits) \$50

Economic Benefit Worksheet

Respondent: Wildwood Circle Property Owners Association, Inc.
 Case ID No. 28366
 Reg. Ent. Reference No. RN101191328
 Media [Statute] Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Overtime 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				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$100	15-Nov-2005	01-Oct-2006	0.9	\$4	n/a	\$4
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: Estimated cost to establish and maintain a record keeping system of operations and disinfectant residual monitoring results. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Overtime Costs	EB Amount
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: NA

Approx. Cost of Compliance **\$100** **TOTAL \$4**

Screening Date 15-Feb-2006 **Docket No.** 2006-0183-PWS-E **PCW**
Respondent Wildwood Circle Property Owners Association, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 28366 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101191328
Media [Statute] Public Water Supply
Enf. Coordinator J. Craig Fleming
Violation Number 2
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.110(d)(3)(C)(ii)
Secondary Rule Cite(s)
Violation Description
 Failure to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit. Specifically, the water system was using total chlorine reagents to measure the free chlorine residual, and did not have free chlorine reagents needed for their color comparator test kit, as documented during the investigation conducted on November 15, 2005.
Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**
 Harm

Release	Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent
Matrix Notes
 Failing to test the chlorine residual in the distribution system with a proper chlorine test kit may allow a significant amount of undetected contaminants which would not exceed levels that are protective of human health to be distributed for human consumption.

Adjustment -\$900
Base Penalty Subtotal \$100

Violation Events
Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	

Violation Base Penalty \$100
 One quarterly event is recommended based on the date of the investigation conducted on November 15, 2005 to the screening date of February 15, 2006.

Economic Benefit (EB) for this violation **Statutory Limit Test**
Estimated EB Amount \$46 **Violation Final Penalty Total** \$110
This violation Final Assessed Penalty (adjusted for limits) \$110

Economic Benefit Worksheet

Respondent: Wildwood Circle Property Owners Association, Inc.
 Case ID No: 28366
 Reg. Ent. Reference No: RN101191328
 Media [Statute]: 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				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: NA

Item	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	\$50	15-Nov-2005	01-Oct-2006	0.9	\$2	\$44	\$46
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: Estimated cost to perform chlorine residual tests on water collected at various points in the distribution system using the proper reagents. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.

Approx. Cost of Compliance: \$50 TOTAL: \$46

Screening Date 15-Feb-2006 **Docket No.** 2006-0183-PWS-E **PCW**
Respondent Wildwood Circle Property Owners Association, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 28366 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101191328
Media [Statute] Public Water Supply
Enf. Coordinator J. Craig Fleming
Violation Number 3
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(A)
Secondary Rule Cite(s) Tex. Health & Safety Code § 341.033(a)
Violation Description Failure to employ an operator with a class "D" or higher license. Specifically, the facility did not employ a licensed water works operator, as documented during the investigation conducted on November 15, 2005.
Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**
 Harm

Release	Major	Moderate	Minor
Actual			
Potential	X		

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent
Matrix Notes The integrity of the water system may be compromised without the proper supervision of a certified operator holding a valid certificate.

Adjustment -\$750
Base Penalty Subtotal \$250

Violation Events
Number of Violation Events 3

<i>daily</i>	
<i>monthly</i>	X
<i>quarterly</i>	
<i>semiannual</i>	
<i>annual</i>	
<i>single event</i>	

Violation Base Penalty \$750

Three monthly events are recommended from the investigation date of November 15, 2005 to the screening date of February 15, 2006.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount \$6,674	Violation Final Penalty Total \$825
This violation Final Assessed Penalty (adjusted for limits) \$825	

Economic Benefit Worksheet

Respondent: Wildwood Circle Property Owners Association, Inc.
Case ID No.: 28366
Reg. Ent. Reference No.: RN101191328
Media [Statute]: 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
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				NA			

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)		Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.0	\$0	\$0	\$0
Personnel	\$8,000	15-Nov-2005 01-Sep-2006	0.8	\$318	\$6,356	\$6,674
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 Estimated cost to employ a part-time certified waster works operator. The Date Required was the date of the investigation. The Final Date is the expected date of compliance.						

Approx. Cost of Compliance \$8,000
TOTAL \$6,674

Screening Date	15-Feb-2006	Docket No.	2006-0183-PWS-E	PCW
Respondent	Wildwood Circle Property Owners Association, Inc.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No.	28366	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN101191328			
Media [Statute]	Public Water Supply			
Enf. Coordinator	J. Craig Fleming			
Violation Number	4			
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 290.42(e)(3)(A) and 290.46(d)(2)(A)			
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)			
Violation Description	Failure to have disinfectant equipment with a capacity of at least 50 % greater than the highest expected dosage to be applied at any time, and failure to maintain a free chlorine residual of 0.2 mg/L. Specifically, the bleach pump was set at 100 percent and the chlorine residual distribution sample was 0.17 mg/L (0.20 mg/L required) after 15 minutes of flushing, as documented during the investigation conducted on November 15, 2005.			

Base Penalty

>> **Environmental, Property and Human Health Matrix**

Harm					
	Release	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent <input style="width: 50px;" type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes: Failure to maintain free chlorine residual in the far reaches of the distribution system may allow significant amounts of pollutants to enter the system which would not exceed levels that are protective of human health

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended based on the date of the investigation conducted on November 15, 2005 to the screening date of February 15, 2006.

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: Wildwood Circle Property Owners Association, Inc.
 Case ID No. 28366
 Reg. Ent. Reference No. RN101191328
 Media [Statute] 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
Delayed Costs							
Equipment	\$100	15-Nov-2005	01-Sep-2006	0.8	\$0	\$5	\$6
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: Estimated cost to adjust the chlorination equipment. The Date Required was the date of the investigation. The Final Date is the date of expected compliance.

Item	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: NA

Approx. Cost of Compliance TOTAL

Screening Date 15-Feb-2006 **Docket No.** 2006-0183-PWS-E **PCW**
Respondent Wildwood Circle Property Owners Association, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 28366 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101191328
Media [Statute] Public Water Supply
Enf. Coordinator J. Craig Fleming
Violation Number 5
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii)
Secondary Rule Cite(s) 30 Tex. Admin. Code § 341.0315(c)
Violation Description
 Failure to provide a pressure tank capacity of 50 gallons per connection. Specifically, the system had a pressure tank with a capacity of 1000 gallons and required 1050 gallons (50 gallons x 21 connections) resulting in a 4.76% deficiency $(1050-1000)/1050 = 4.76\%$, as documented during the investigation conducted on November 15, 2005.
Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**
 Harm

Release	Major	Moderate	Minor
Actual			
Potential			X

Percent 5%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes
 Inadequate pressure tank capacity could result in water outages and back flow problems and may allow an insignificant amount of contaminants to enter the water supply which would not exceed levels that are protective of human health.

Adjustment -\$950
Base Penalty Subtotal \$50

Violation Events
 Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
single event	X	

Violation Base Penalty \$50
 One single event is recommended based on the investigation date of November 15, 2005.

Economic Benefit (EB) for this violation **Statutory Limit Test**
 Estimated EB Amount \$92 **Violation Final Penalty Total** \$55
This violation Final Assessed Penalty (adjusted for limits) \$55

Economic Benefit Worksheet

Respondent Wildwood Circle Property Owners Association, Inc.
 Case ID No. 28366
 Reg. Ent. Reference No. RN101191328
 Media [Statute] Public Water Supply
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$1,500	15-Nov-2005	01-Oct-2006	0.9	\$4	\$88	\$92
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: Estimated cost to provide adequate pressure tank capacity. The Date Required was the date of the investigation. The Final Date is the estimated date of compliance.

Item	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: NA

Approx. Cost of Compliance **\$1,500** **TOTAL** **\$92**

Compliance History

Customer/Respondent/Owner-Operator: CN600637524 Wildwood Circle Property Owners Association, Inc. Classification: Rating:

Regulated Entity: RN101191328 WILDWOOD ESTATES SUBDIVISION WATER SYSTEM Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2040052
WATER LICENSING LICENSE 2040052

Location: LOT RESERVE A ON WILDWOOD CIRCLE, SHEPHERD, TX, 77371

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: 02/06

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 06, 2001 to February 06, 2006

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Joseph Daley Phone: 817-588-5928

Site Compliance History Components

- | | |
|--|-----|
| 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 of the site during the compliance period? | N |
| 3. If Yes, who is the current owner? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|-------|----------|--|
| 1 | 12/29 | (432233) | |
| 2 | 02/15 | (148221) | |
| 3 | 10/03 | | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | |
|------------------|--|-----------------------|
| Date: 02/15/2001 | (148221) | |
| Self Report? NO | | Classification: Major |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.42(i) | |
| Description: | Failure to use ANSI/NSF Standard 60 approved chemicals for chlorination purpose. | |
| | | Classification: Major |
| Self Report? NO | | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.46(m) | |
| Description: | Failure to maintain the concrete foundation under the pressure tank. | |
| | | Classification: Major |
| Self Report? NO | | |
| Citation: | 30 TAC Chapter 290, SubChapter D 290.43(e) | |
| Description: | Failure to maintain the barbed wire on the fence to keep it intruder resistant | |
| | | Classification: Major |

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)
Description: Failure to equip the air injection line for the pressure tank with a filter to preclude compressor lubricants from entering the water system.
Classification: Major

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to adopt a plumbing ordinance, regulations or customer service agreement with provisions for proper enforcement.
Classification: Major

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
Description: Failure to provide a means to conduct customer service inspections for new connection or existing connections if it is believed that the customer's plumbing practices are unacceptable.
Classification: Major

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Description: Failure to record and identify the locations of chlorine residual tests on water collected from the distribution system once every seven days from bacteriological sample site locations.
Classification: Major

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)[G]
Description: Failure to compile a thorough plant operations manual for operator review and reference.
Classification: Major

Date: 11/30/2001

Self Report? NO
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
Description: Failure to have the electrical wiring installed in a securely mounted conduit in compliance with a local or national electric code.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
Description: Failure to employ a licensed water works operator.
Classification: Major

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
WILDWOOD CIRCLE PROPERTY
OWNERS ASSOCIATION, INC.
RN101191328

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

AGREED ORDER DOCKET NO. 2006-0183-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Wildwood Circle Property Owners Association, Inc. ("Wildwood") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Wildwood appear before the Commission and together stipulate that:

1. Wildwood owns and operates a public water supply at Lot Reserve A on Wildwood Circle near Shepherd, San Jacinto County, Texas (the "Facility") that has approximately 21 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Wildwood agree that the Commission has jurisdiction to enter this Agreed Order, and that Wildwood is subject to the Commission's jurisdiction.
3. Wildwood received notice of the violations alleged in Section II ("Allegations") on or about January 3, 2006.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Wildwood of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand One Hundred Fifty Dollars (\$1,150) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Wildwood has paid Nine Hundred Twenty Dollars (\$920) of the administrative penalty and Two Hundred Thirty Dollars (\$230) is deferred contingent upon Wildwood's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Wildwood fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Wildwood to pay all or part of the deferred penalty.

6. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and Wildwood have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Wildwood has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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.

II. ALLEGATIONS

As owner and operator of the Facility, Wildwood is alleged to have:

1. Failed to retain monitoring records for at least three years, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(iii), as documented during an investigation conducted on November 15, 2005. Specifically, the facility failed to retain the chlorine residual monitoring records for the distribution system.
2. Failed to measure the free chlorine residual within the distribution system with a colorimeter, spectrophotometer, or color comparator test kit, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(3)(C)(ii), as documented during an investigation conducted on November 15, 2005. Specifically, the water system was using total chlorine reagents to measure the free chlorine residual, and did not have free chlorine reagents needed for their color comparator test kit.
3. Failed to employ an operator with a class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a), as documented during an investigation conducted on November 15, 2005. Specifically, the facility did not employ a licensed water works operator.
4. Failed to have disinfectant equipment with a capacity of at least 50 % greater than the highest expected dosage to be applied at any time, and failure to maintain a free chlorine residual of 0.2 mg/L, in violation of 30 TEX. ADMIN. CODE §§ 290.42(e)(3)(A) and 290.46(d)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on November 15, 2005. Specifically, the bleach pump was set at 100 percent and the chlorine residual distribution sample was 0.17 mg/L (0.20 mg/L required) after 15 minutes of flushing.

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5. Failed to provide a pressure tank capacity of 50 gallons per connection, in violation of 30 TEX. ADMIN. CODE §§ 290.45(b)(1)(A)(ii) and 341.0315(c), as documented during an investigation conducted on November 15, 2005. Specifically, the system had a pressure tank with a capacity of 1000 gallons and required 1050 gallons (50 gallons x 21 connections) resulting in a 4.76% deficiency $(1050-1000)/1050 = 4.76\%$.

III. DENIALS

Wildwood generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Wildwood pay an administrative penalty as set forth in Section I, Paragraph 5 above. The imposition of this administrative penalty and Wildwood's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Wildwood Estates Property Owners Association, Inc., Docket No. 2006-0183-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. It is further ordered that Wildwood shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order:
 - i. Commence operating the Facility under the direct supervision of a Grade "D" or higher certified water works operator, as required by 30 TEX. ADMIN. CODE § 290.46;
 - ii. Ensure all mechanical disinfection facilities are maintaining a free chlorine residual of 0.2 mg/L disinfectant residuals in the far reaches of the distribution system, as required by 30 TEX. ADMIN. CODE § 290.42; and
 - iii. Begin using the proper reagents to measure the free chlorine residual, as required by 30 TEX. ADMIN. CODE § 290.110.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and financial management.

2. The second part of the document outlines the various methods and tools used for data collection and analysis. It highlights the need for standardized procedures to ensure the reliability and validity of the information gathered. This includes the use of surveys, interviews, and statistical software to process and interpret the data.

3. The third part of the document focuses on the ethical considerations surrounding data collection and analysis. It stresses the importance of obtaining informed consent from participants and ensuring that their personal information is protected and used only for the intended purpose. Additionally, it discusses the potential for bias and the need for objective analysis.

4. The fourth part of the document provides a detailed overview of the data analysis process. It describes the steps involved in identifying patterns, testing hypotheses, and drawing conclusions from the data. This section also addresses the challenges of working with large datasets and the importance of using appropriate statistical techniques to analyze the data effectively.

5. The fifth part of the document discusses the dissemination and communication of research findings. It emphasizes the need to present the results in a clear and concise manner, using appropriate visual aids and language to make the information accessible to a wide range of stakeholders. This includes the preparation of reports, presentations, and the publication of research articles.

6. The sixth part of the document concludes by summarizing the key points discussed throughout the document. It reiterates the importance of rigorous methodology, ethical conduct, and effective communication in the research process. The document also offers some final thoughts on the future of data analysis and the role of technology in advancing the field.

7. The seventh part of the document provides a list of references and resources for further reading. It includes books, articles, and online resources that provide additional information on the topics discussed in the document. This section is intended to help readers explore the subject in more depth and stay up-to-date on the latest research and developments in the field.

- b. Within 30 days after the effective date of this Agreed Order, begin compiling properly completed monthly water works operations reports and establish a retention schedule for three years, as required by 30 TEX. ADMIN. CODE § 290.46;
- c. Within 180 days after the effective date of this Agreed Order, upgrade the pressure tank capacity to accommodate the system as per the number of connections, as required by 30 TEX. ADMIN. CODE § 290.45;
- d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c;

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”.

- e. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1830

- 3. The provisions of this Agreed Order shall apply to and be binding upon Wildwood. Wildwood 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.

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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 Wildwood shall be made in writing to the Executive Director. Extensions are not effective until Wildwood receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against Wildwood 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.
6. 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.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Wildwood, or three days after the date on which the Commission mails notice of the Order to Wildwood, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The text also mentions the need for regular audits and the role of independent auditors in ensuring the reliability of financial statements.

In addition, the document highlights the significance of transparency and accountability in financial reporting. It states that stakeholders, including investors and the public, have a right to know how their money is being managed and to have confidence in the information provided. This requires a commitment to high standards of ethical conduct and a willingness to face scrutiny.

The document also addresses the challenges faced by organizations in implementing effective internal controls. It notes that while the benefits of strong controls are clear, they can be costly and complex to implement. Therefore, organizations must carefully assess their risks and design controls that are proportionate to the level of risk they are facing.

Finally, the document concludes by reiterating the importance of a strong corporate culture of integrity and ethical behavior. It suggests that organizations should invest in training and education to ensure that all employees understand their responsibilities and are equipped to make the right decisions. By fostering a culture of honesty and transparency, organizations can build trust and long-term success.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Ferguson Penland

For the Executive Director

7/27/06

Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

David O. Howard

Signature

3-18-06

Date

David O. Howard

Name (Printed or typed)

President

Title

Authorized Representative of

Wildwood Circle Property Owners Association, Inc.

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.

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