

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1772-PWS-E    **TCEQ ID:** RN101456168    **CASE NO.:** 31361  
**RESPONDENT NAME:** Windwood Water System, 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:** Windwood Water System, 13526 Creekway Drive, Harris County

**TYPE OF OPERATION:** Public water system

**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 March 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Catherine Albrecht, Enforcement Division, Enforcement Section I, MC R-12, (713) 767-3672; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**TCEQ Field Investigator:** Ms. Maggie Wright, Houston Regional Office, MC R-12, (713) 767-3679

**Respondent:** Mr. Alex Cisne, President, Windwood Water System, Inc., 13450 Creekway Drive, Cypress, Texas 77429

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

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 4, 2006</p> <p><b>Date of NOE Relating to this Case:</b> August 30, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. Seven violations were documented.</p> <p><b>WATER</b></p> <p>1. Failed to obtain a sanitary control easement covering land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>2. Failed to maintain a copy of the up-to-date chemical and microbiological monitoring plan at the Facility [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>3. Failed to maintain a plant operations manual for operator review and reference at the Facility [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>4. Failed to maintain a copy of the current distribution system map at the Facility [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>5. Failed to provide chlorine residual monitoring records for review upon request [30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(iii)].</p> <p>6. Failed to maintain the gate on the fence surrounding the well facilities locked [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>7. Failed to submit the Disinfection Level Quarterly Reports for the Facility, which is a community public water system that uses groundwater. Specifically, quarterly reports were not submitted from January 2004 through June 2006 [30 TEX. ADMIN. CODE § 290.110(e)(4)].</p>	<p><b>Total Assessed:</b> \$1,575</p> <p><b>Total Deferred:</b> \$315  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,260</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1. The Executive Director recognizes that Windwood has implemented the following corrective measures at the Facility:</p> <p>a. On November 17, 2006, resumed maintaining the gate to the well facilities locked;</p> <p>b. On December 11, 2006, developed and provided a current map of the distribution system, which is being maintained at the Facility so that the valves and mains can be easily located during emergencies; and</p> <p>c. On December 11, 2006, developed and provided a copy of the up-to-date chemical and microbiological monitoring plan.</p> <p><b>Ordering Provisions:</b></p> <p>2. The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, commence maintaining chlorine residual monitoring records with the minimum required measurements, date and time of analysis, and signature of the analyst;</p> <p>b. Within 25 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision 2.a.;</p> <p>c. Within 60 days after the effective date of this Agreed Order, compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;</p> <p>d. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Prepare and submit Disinfection Level Quarterly Reports beginning with the report due for the current quarter; and</p> <p>ii. Secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse.</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 2.c. through 2.d.ii.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	Assigned	05-Sep-2006	Screening	28-Sep-2006	EPA Due	
	PCW	11-Dec-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Windwood Water System, Inc.
Reg. Ent. Ref. No.	RN101456168
Facility/Site Region	12-Houston
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31361	No. of Violations	7
Docket No.	2006-1772-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Catherine Albrecht
Multi-Media		EC's Team	Enforcement Team 1
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

Notes

**Culpability**   Subtotal 4

Notes

**Good Faith Effort to Comply**  Subtotal 5

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

Notes

**Economic Benefit**  Subtotal 6

Total EB Amounts	<input type="text" value="\$79"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$1,350"/>	

**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

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

Notes

**PAYABLE PENALTY**

**Screening Date** 28-Sep-2006      **Docket No.** 2006-1772-PWS-E      **PCW**  
**Respondent** Windwood Water System, Inc.      *Policy Revision 2 (September 2002)*  
**Case ID No.** 31361      *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101456168  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Catherine Albrecht

**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 ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<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)** 5%

>> **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 respondent has one NOV for same or similar violations at this facility in the last five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b>	28-Sep-2006	<b>Docket No.</b>	2006-1772-PWS-E	<b>PCW</b>
<b>Respondent</b>	Windwood Water System, Inc.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	31361	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101456168			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Catherine Albrecht			
<b>Violation Number</b>	<input type="text" value="1"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(1)(F)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failure to obtain a sanitary control easement covering land within 150 feet of the well."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	<b>Percent</b> <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	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**

**Estimated EB Amount**

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 Media [Statute] 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
<b>Delayed Costs</b>							
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	\$200	04-Aug-2006	01-Aug-2007	1.0	\$10	n/a	\$10
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 prepare a sanitary control easement or variance for this public water system. Date required is the investigation date. Final date is the projected date of compliance.

**Avoided Costs**

ANNUALIZE [4] 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** \$10

**Screening Date** 28-Sep-2006

**Docket No.** 2006-1772-PWS-E

**PCW**

**Respondent** Windwood Water System, Inc.

*Policy Revision 2 (September 2002)*

**Case ID No.** 31361

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101456168

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Catherine Albrecht

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

**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 type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<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 Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 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
<b>Delayed Costs</b>							
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	04-Aug-2006	11-Dec-2006	0.4	\$2	n/a	\$2
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 costs to prepare a monitoring plan for the facility. Date required is the investigation date. Final date is the date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>					
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 \$2**

**Screening Date** 28-Sep-2006 **Docket No.** 2006-1772-PWS-E **PCW**  
**Respondent** Windwood Water System, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 31361 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101456168  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Catherine Albrecht  
**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**   
**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 type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule was not met."/>				

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

mark only one use a small x	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**

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 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
<b>Delayed Costs</b>							
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	\$200	04-Aug-2006	01-Jul-2007	0.9	\$9	n/a	\$9
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 costs to prepare an operations manual for the facility. Date required is the investigation date. Final date is the projected 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

**TOTAL**

**Screening Date** 28-Sep-2006 **Docket No.** 2006-1772-PWS-E **PCW**  
**Respondent** Windwood Water System, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 31361 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101456168  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Catherine Albrecht  
**Violation Number** 4  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.46(n)(2)  
**Secondary Rule Cite(s)**  
**Violation Description** Failure to maintain a copy of the current distribution system map at the facility.

**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				Percent
		X			

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

**Adjustment** -\$900

**Base Penalty Subtotal** \$100

**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** \$100

One single event is recommended based on the investigation date of August 4, 2006.

**Economic Benefit (EB) for this violation**

**Estimated EB Amount** \$4

**Statutory Limit Test**

**Violation Final Penalty Total** \$105

**This violation Final Assessed Penalty (adjusted for limits)** \$105

### Economic Benefit Worksheet

Respondent Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 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
<b>Delayed Costs</b>							
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	\$200	04-Aug-2006	11-Dec-2006	0.4	\$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 costs to prepare a distribution system map. Date required is the investigation date. Final date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
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 **\$4**

**Screening Date** 28-Sep-2006 **Docket No.** 2006-1772-PWS-E **PCW**  
**Respondent** Windwood Water System, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 31361 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101456168  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Catherine Albrecht  
**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

**Harm**

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

mark only one use a small x	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**

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 Media [Statute] Public Water Supply  
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	OneTime Costs	EB Amount
<b>Delayed Costs</b>							
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	\$300	04-Aug-2006	10-May-2007	0.8	\$11	n/a	\$11
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 costs to monitor and record the chlorine residual at least once every seven days and maintain monitoring records at the facility. Date required is the investigation date. Final date is the projected date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	OneTime Costs	EB Amount
<b>Avoided Costs</b>							
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

TOTAL

<b>Screening Date</b>	28-Sep-2006	<b>Docket No.</b>	2006-1772-PWS-E	<b>PCW</b>
<b>Respondent</b>	Windwood Water System, Inc.	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	31361	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101456168			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Catherine Albrecht			
<b>Violation Number</b>	<input type="text" value="6"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.41(c)(3)(O)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<input type="text" value="Failure to maintain the gate on the fence surrounding the well facilities locked."/>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

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

		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="5%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small 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 Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 Media [Statute] 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
<b>Delayed Costs</b>							
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	\$100	04-Aug-2006	17-Nov-2006	0.3	\$1	n/a	\$1
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 costs to conduct operator training to ensure that the well facilities are maintained locked. Date required is the investigation date. Final date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
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 **\$1**

**Screening Date** 28-Sep-2006 **Docket No.** 2006-1772-PWS-E **PCW**  
**Respondent** Windwood Water System, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 31361 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101456168  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Catherine Albrecht  
**Violation Number** 7  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.110(e)(4)  
**Secondary Rule Cite(s)**  
**Violation Description** Failure to submit the Disinfection Level Quarterly Reports for the facility, which is a community public water system that uses groundwater. Specifically, quarterly reports were not submitted from January 2004 through June 2006.

**Base Penalty** \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
	X			Percent 10%

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

**Adjustment** -\$900

**Base Penalty Subtotal** \$100

**Violation Events**

**Number of Violation Events** 10

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

**Violation Base Penalty** \$1,000

Ten single events are recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$41

**Violation Final Penalty Total** \$1,050

**This violation Final Assessed Penalty (adjusted for limits)** \$1,050

### Economic Benefit Worksheet

Respondent Windwood Water System, Inc.  
 Case ID No. 31361  
 Reg. Ent. Reference No. RN101456168  
 Media [Statute] Public Water Supply  
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
<b>Delayed Costs</b>							
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	\$250	10-Apr-2004	01-Aug-2007	3.3	\$41	n/a	\$41
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 costs to prepare and submit Disinfection Level Quarterly Reports based on \$25 per report. Date required is the date the first quarterly report was due. Final date is the projected date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	One/Time Costs	EB Amount
<b>Avoided Costs</b>					
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 **\$250**

**TOTAL \$41**

## Compliance History

Customer/Respondent/Owner-Operator: CN600626733 Windwood Water System, Inc. Classification: Rating:  
 Regulated Entity: RN101456168 WINDWOOD WATER SYSTEM Classification: Site Rating:  
 ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1010920  
 WATER LICENSING LICENSE 1010920  
 Location: 13526 CREEKWAY DRIVE, HARRIS COUNTY  
 TCEQ Region: REGION 12 - HOUSTON  
 Date Compliance History Prepared: October 03, 2006  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: October 03, 2001 to October 03, 2006  
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
 Name: Catherine Albrecht Phone: (713)767-3672

### 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?	No
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. (CEEDS Inv. Track. No.)

1 08/29/2006 (372427)  
 2 05/31/2005 (372314)  
 3 05/06/2004 (268071)

E. Written notices of violations (NOV). (CEEDS Inv. Track. No.)

Date:	05/06/2004	(268071)		
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)			
Description:	Failure to make available a sanitary control easement for the well at the time of inspection.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)			
Description:	Failure to provide a copy of the ground storage annual inspection report.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(B)			
Description:	Failure to provide a copy of the pressure tank annual inspection report.			
Self Report?	NO	Classification:	Moderate	
Citation:	30 TAC Chapter 290, SubChapter F 290.121[G]			
Description:	Failure to maintain an up-to-date chemical and microbiological monitoring plan for the Facility.			

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  
WINDWOOD WATER SYSTEM, INC.  
RN101456168**

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

## **AGREED ORDER DOCKET NO. 2006-1772-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 Windwood Water System, Inc. ("Windwood") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Windwood appear before the Commission and together stipulate that:

1. Windwood owns and operates a public water system located at 13526 Creekway Drive in Harris County, Texas (the "Facility") that has approximately 14 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Windwood agree that the Commission has jurisdiction to enter this Agreed Order, and that Windwood is subject to the Commission's jurisdiction.
3. Windwood received notice of the violations alleged in Section II ("Allegations") on or about September 4, 2006.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Windwood of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Five Hundred Seventy-Five Dollars (\$1,575) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Windwood has paid One Thousand Two Hundred Sixty Dollars (\$1,260) of the administrative penalty and Three Hundred Fifteen Dollars (\$315) is deferred contingent upon Windwood'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 Windwood fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Windwood 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 Windwood 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 Windwood has not complied with one or more of the terms or conditions in this Agreed Order.
9. The Executive Director recognizes that Windwood has implemented the following corrective measures at the Facility:
  - a. On November 17, 2006, resumed maintaining the gate to the well facilities locked;
  - b. On December 11, 2006, developed and provided a current map of the distribution system, which is being maintained at the Facility so that the valves and mains can be easily located during emergencies; and
  - c. On December 11, 2006, developed and provided a copy of the up-to-date chemical and microbiological monitoring plan.
10. 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.
11. 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, Windwood is alleged to have:

1. Failed to obtain a sanitary control easement covering land within 150 feet of the well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on August 4, 2006.
2. Failed to maintain a copy of the up-to-date chemical and microbiological monitoring plan at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on August 4, 2006.
3. Failed to maintain a plant operations manual for operator review and reference at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(1), as documented during an investigation conducted on August 4, 2006.

...the ... of ...

4. Failed to maintain a copy of the current distribution system map at the Facility, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on August 4, 2006.
5. Failed to provide chlorine residual monitoring records for review upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(iii), as documented during an investigation conducted on August 4, 2006.
6. Failed to maintain the gate on the fence surrounding the well facilities locked, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on August 4, 2006.
7. Failed to submit the Disinfection Level Quarterly Reports for the Facility, which is a community public water system that uses groundwater, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4), as documented during an investigation conducted on August 4, 2006. Specifically, quarterly reports were not submitted from January 2004 through June 2006.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Windwood pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Windwood'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: Windwood Water System, Inc., Docket No. 2006-1772-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 Windwood shall undertake the following technical requirements:
  - a. Within 10 days after the effective date of this Agreed Order, commence maintaining chlorine residual monitoring records with the minimum required measurements, date and time of analysis, and signature of the analyst, as required by 30 TEX. ADMIN. CODE § 290.46(f)(3)(B)(iii);



- b. Within 25 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a., as described in Ordering Provision No. 2.f. below;
- c. Within 60 days after the effective date of this Agreed Order, compile and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, as required by 30 TEX. ADMIN. CODE § 290.42(1);
- d. Within 90 days after the effective date of this Agreed Order:
  - i. Prepare and submit Disinfection Level Quarterly Reports beginning with the report due for the current quarter, as required by 30 TEX. ADMIN. CODE § 290.110(e)(4); and
  - ii. Secure a sanitary easement covering all property within 150 feet of each well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), or obtain a variance from the TCEQ;
- e. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.c. through 2.d.ii., as described in Ordering Provision No. 2.f. below; and
- f. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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:

Manager, Water Section  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. The provisions of this Agreed Order shall apply to and be binding upon Windwood. Windwood 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 Windwood shall be made in writing to the Executive Director. Extensions are not effective until Windwood 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 Windwood 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 Windwood, or three days after the date on which the Commission mails notice of the Order to Windwood, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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



\_\_\_\_\_  
Date

4/27/07

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.

\_\_\_\_\_  


Signature

\_\_\_\_\_  
Date

1/5/07

ALEX CLINE, PRESIDENT

Name (Printed or typed)  
Authorized Representative of  
Windwood Water System, Inc.

\_\_\_\_\_  
PRESIDENT  
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.

Handwritten text at the top of the page, possibly a title or header.

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