

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0881-PWS-E **TCEQ ID:** RN101244523 **CASE NO.:** 33679

**RESPONDENT NAME:** Bill Mayhew dba Wood Trail Water Supply

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Wood Trail Water Supply, 1.5 miles northeast of the intersection of Holomon Drive and Wood Trail Drive, Kerr County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 17, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, R-13, (210) 403-4077; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. Bill Mayhew, Owner, Wood Trail Water Supply, 920 North Hunter Ridge Road, Prescott, Arizona 86303  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input checked="" type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 11, 2007</p> <p><b>Date of NOE Relating to this Case:</b> May 3, 2007 (NOE)</p> <p><b>Background Facts:</b> This was an enforcement follow-up investigation. Four violations were documented. The purpose of the investigation was to determine compliance with the provisions of Agreed Order 2005-1692-PWS-E. It was determined the violation addressed in the Agreed Order was corrected and will be resolved, but due to growth of the distribution system three other capacity violations were documented.</p> <p><b>WATER</b></p> <p>1) Failure to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, the water system was providing the total storage capacity of 131 gallons per connection, which is a 35% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, the water system was providing the total service pump capacity of 1.6 gpm per connection, which is a 20% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>3) Failure to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, the water system was</p>	<p><b>Total Assessed:</b> \$312</p> <p><b>Total Deferred:</b> \$62  <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> \$250</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <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>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a total storage capacity of 200 gallons per connection;</p> <p>ii. Provide a minimum of two service pumps with a total capacity of 2.0 gallons per minute per connection;</p> <p>iii. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection; and</p> <p>iv. Submit payment for all outstanding fees, including any associated penalties and interest with the notation "Bill Mayhew dba Wood Trail Water Supply, TCEQ Account No. 91330137".</p> <p>b. Within 105 days after the effective date of this Agreed Order, submit written certification including detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

<p>providing a pressure tank capacity of 18.6 gallons per connection, which is a 7% deficiency [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 91330137 for Fiscal Years 2006 and 2007 [30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702].</p>		
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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

<b>DATES</b>	Assigned	7-May-2007	Screening	14-May-2007	EPA Due	
	PCW	5-Jun-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Bill Mayhew dba Wood Trail Water Supply		
Reg. Ent. Ref. No.	RN101244523		
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	33679	No. of Violations	4
Docket No.	2007-0881-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$250

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

**Compliance History** 25% Enhancement Subtotals 2, 3, & 7 \$62

Notes: The Respondent has one prior NOV for the same or similar violations as those in the current enforcement action and an agreed final enforcement order containing a denial of liability.

**Culpability** No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** 0% Reduction Subtotal 5 \$0

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

Notes: The Respondent does not meet the good faith criteria.

**Total EB Amounts** 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$748 \*Capped at the Total EB \$ Amount \$12,000

**SUM OF SUBTOTALS 1-7** Final Subtotal \$312

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment \$0

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

Notes:

**Final Penalty Amount** \$312

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$312

**DEFERRAL** 20% Reduction Adjustment -\$62

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY** \$250

**Screening Date** 14-May-2007

**Docket No.** 2007-0881-PWS-E

**PCW**

**Respondent** Bill Mayhew dba Wood Trail Water Supply

Policy Revision 2 (September 2002)

**Case ID No.** 33679

PCW Revision May 25, 2007

**Reg. Ent. Reference No.** RN101244523

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

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

>> **Repeat Violator (Subtotal 3)**

N/A

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

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

N/A

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

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent has one prior NOV for the same or similar violations as those in the current enforcement action and an agreed final enforcement order containing a denial of liability.

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

<b>Screening Date</b> 14-May-2007	<b>Docket No.</b> 2007-0881-PWS-E	<b>PCW</b>
<b>Respondent</b> Bill Mayhew dba Wood Trail Water Supply	<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 33679	<small>PCW Revision May 25, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101244523		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, the water system was providing the total storage capacity of 131 gallons per connection, which is a 35% deficiency.	
<b>Base Penalty</b>		\$1,000

>> Environmental, Property and Human Health Matrix

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual				
	Potential		x		
				<b>Percent</b> <span style="border: 1px solid black; padding: 0 20px;">10%</span>	

>> Programmatic Matrix

	<b>Falsification</b>	Major	Moderate	Minor	
					<b>Percent</b> <span style="border: 1px solid black; padding: 0 20px;">0%</span>

**Matrix Notes** Without sufficient storage capacity, customers of the water supply could experience water outages and the system's ability to provide a safe and adequate supply could be compromised.

**Adjustment** \$900

\$100

Violation Events

Number of Violation Events 1 55 Number of violation days

<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$100

One quarterly event is recommended from the date of the investigation, April 11, 2007, to the date of screening, June 5, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$312

Violation Final Penalty Total \$125

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

## Economic Benefit Worksheet

**Respondent** Bill Mayhew dba Wood Trail Water Supply  
**Case ID No.** 33679  
**Reg. Ent. Reference No.** RN101244523  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$5,000	11-Apr-2007	1-Mar-2008	0.9	\$15	\$297	\$312
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 a total storage capacity of 200 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$312

**Screening Date** 14-May-2007

**Docket No.** 2007-0881-PWS-E

**PCW**

**Respondent** Bill Mayhew dba Wood Trail Water Supply

*Policy Revision 2 (September 2002)*

**Case ID No.** 33679

*PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN101244523

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, the water system was providing the total service pump capacity of 1.6 gpm per connection, which is a 20% deficiency.

**Base Penalty**

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

OR

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

**Percent**

>> **Programmatic Matrix**

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

**Percent**

**Matrix Notes**

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

**Adjustment**

**Violation Events**

Number of Violation Events

Number of violation days

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

**Violation Base Penalty**

One quarterly event is recommended from the date of the investigation, April 11, 2007, to the date of screening, June 5, 2007.

**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** Bill Mayhew dba Wood Trail Water Supply  
**Case ID No.** 33679  
**Reg. Ent. Reference No.** RN101244523  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$2,000	11-Apr-2007	1-Mar-2008	0.9	\$6	\$119	\$125
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 two or more pumps having a total capacity of 2.0 gpm per connection, calculated from the date of the investigation to the estimated date of compliance:

**Avoided Costs**

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

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

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$2,000

**TOTAL**

\$125

**Screening Date** 14-May-2007

**Docket No.** 2007-0881-PWS-E

**PCW**

**Respondent** Bill Mayhew dba Wood Trail Water Supply

*Policy Revision 2 (September 2002)*

**Case ID No.** 33679

*PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN101244523

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Yuliya Dunaway

**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(C)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, the water system was providing a pressure tank capacity of 18.6 gallons per connection, which is a 7% deficiency.

**Base Penalty**

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

OR

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

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

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

One single event is recommended.

**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** Bill Mayhew dba Wood Trail Water Supply  
**Case ID No.** 33679  
**Reg. Ent. Reference No.** RN101244523  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	11-Apr-2007	1-Mar-2008	0.9	\$15	\$297	\$312
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 a pressure tank capacity of 20 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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**    There are no avoided costs associated with this violation.

**Approx. Cost of Compliance**    \$5,000    **TOTAL**    \$312

<b>Screening Date</b> 14-May-2007	<b>Docket No.</b> 2007-0881-PWS-E	<b>PCW</b>
<b>Respondent</b> Bill Mayhew dba Wood Trail Water Supply	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 33679	<i>PCW Revision May 25, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101244523		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.51(a)(3) and Tex. Water Code § 5.702	
<b>Violation Description</b>	Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 91330137 for Fiscal Years of 2006 and 2007.	
<b>Base Penalty</b>		\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				<b>Percent</b> <input type="text" value="0%"/>	

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events  Number of violation days

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

**Violation Base Penalty**

All penalties and interest will be determined by the Financial Administration Division at the next billing cycle.

**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** Bill Mayhew dba Wood Trail Water Supply  
**Case ID No.** 33679  
**Reg. Ent. Reference No.** RN101244523  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

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

Notes for DELAYED costs

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0



Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(a)(4)  
Description: Failure to bury and protect water distribution lines a minimum of 24 inches below the surface. Specifically, there were exposed distribution water lines (on the surface) in the driveway of 326 Wood Trail.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(B)(iii)  
Description: Failure to provide two or more "working" service pumps, providing a total pumping capacity of 2.0 gpm per connection.

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  
BILL MAYHEW DBA WOOD TRAIL  
WATER SUPPLY  
RN101244523**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0881-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 Bill Mayhew dba Wood Trail Water Supply ("Mr. Mayhew") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 5. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Mayhew appear before the Commission and together stipulate that:

1. Mr. Mayhew owns and operates a public water supply 1.5 miles northeast of the intersection of Holomon Drive and Wood Trail Drive, Kerr County, Texas (the "Facility") that has approximately 63 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Mr. Mayhew agree that the Commission has jurisdiction to enter this Agreed Order, and that Mr. Mayhew is subject to the Commission's jurisdiction.
3. Mr. Mayhew received notice of the violations alleged in Section II ("Allegations") on or about May 8, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Mr. Mayhew of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Three Hundred Twelve Dollars (\$312) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Mr. Mayhew has paid Two Hundred Fifty Dollars (\$250) of the administrative penalty and Sixty-Two Dollars

THE UNIVERSITY OF CHICAGO



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(\$62) is deferred contingent upon Mr. Mayhew'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 Mr. Mayhew fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Mr. Mayhew 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 Mr. Mayhew 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 Mr. Mayhew 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, Mr. Mayhew is alleged to have:

1. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on April 11, 2007.
2. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on April 11, 2007.
3. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during a record review conducted on April 11, 2007.
4. Failed to pay all annual and late Public Health Services fees for TCEQ Financial Administration Account No. 91330137 for Fiscal Years 2006 and 2007, in violation of 30 TEX. ADMIN. CODE § 290.51(a)(3) and TEX. WATER CODE § 5.702, as documented during a record review conducted on June 7, 2007.



### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Mr. Mayhew pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Mr. Mayhew'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: Bill Mayhew dba Wood Trail Water Supply, Docket No. 2007-0881-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 Mr. Mayhew shall undertake the following technical requirements:

- a. Within 90 days after the effective date of this Agreed Order:
  - i. Provide a total storage capacity of 200 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide a minimum of two service pumps with a total capacity of 2.0 gallons per minute per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
  - iii. Provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and
  - iv. Submit payment for all outstanding fees, including any associated penalties and interest with the notation "Bill Mayhew dba Wood Trail Water Supply, TCEQ Account No. 91330137" 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



- b. Within 105 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 No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
San Antonio Regional Office  
Texas Commission on Environmental Quality  
14250 Judson Road  
San Antonio, Texas 78233-4480

3. The provisions of this Agreed Order shall apply to and be binding upon Mr. Mayhew. Mr. Mayhew is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Mr. Mayhew shall be made in writing to the Executive Director. Extensions are not effective until Mr. Mayhew 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 Mr. Mayhew 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.

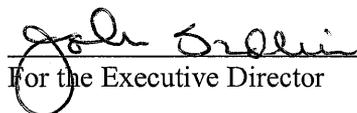
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Mr. Mayhew, or three days after the date on which the Commission mails notice of the Order to Mr. Mayhew, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

8/29/07  
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

7-15-07  
Date

BILL MAYHEW  
Name (Printed or typed)  
Authorized Representative of  
Bill Mayhew dba Wood Trail Water Supply

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.

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