

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2008-0166-MLM-E **TCEQ ID:** RN101277317 **CASE NO.:** 35268  
**RESPONDENT NAME:** Quail Oak Property Owners Association

<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 checked="" 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 checked="" type="checkbox"/> PUBLIC WATER UTILITY
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Quail Oak Property Owners Association, 2901 Quail Oak Drive, Houston, Harris County</p> <p><b>TYPE OF OPERATION:</b> Public water supply and public water utility</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 July 21, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Tel Croston, Enforcement Division, Team 4, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. Anthony Kuciemba, President, Quail Oak Property Owners Association, 2918 Quail Oak Drive, Houston, Texas 77014  <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 checked="" type="checkbox"/> Routine  <input 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> November 12, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 30, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to submit "as built" plans and specifications for the water system that have been prepared by a licensed, professional engineer for Commission review and approval [30 TEX. ADMIN. CODE § 290.39(d)(1), (e)(1), and (h)(1)].</p> <p>2) Failure to submit well completion data to the Commission prior to placing the wells into service [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>3) Failure to provide metering devices at each residential, commercial or industrial service connection for the accumulation of water usage data [30 TEX. ADMIN. CODE § 290.44(d)(4)].</p> <p>4) Failure to provide water that meets the Commission's secondary constituent levels ("SCL") of 0.05 milligrams per liter for manganese [30 TEX. ADMIN. CODE §§ 290.105(b) and 290.118(b)].</p> <p>5) Failed to obtain a certificate of public convenience and necessity [30 TEX. ADMIN. CODE § 291.101(a)].</p>	<p><b>Total Assessed:</b> \$2,035</p> <p><b>Total Deferred:</b> \$407  <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> \$1,628</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 60 days after the effective date of this Agreed Order:</p> <p>i. Submit well completion data for Well No. 2 that includes a sanitary control easement, driller's log, pump setting report, results of chemical analysis, and a U.S. Geological Survey report;</p> <p>ii. Submit as-built plans for the Facility to the Executive Director for review and approval; and</p> <p>iii. Submit all necessary documentation to obtain a Certificate of Public Convenience and Necessity, and respond in a timely manner to all requests for further information.</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision a.</p> <p>c. Within 180 days after the effective date of this Agreed Order, provide all residences with an accurate metering device.</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision c.</p> <p>e. Within 365 days after the effective date of this Agreed Order, return to compliance with the SCL for manganese.</p> <p>f. Within 380 days after the effective date of this Agreed Order, submit written certification and include a copy of the water analysis to demonstrate compliance with Ordering Provision e.</p>

Additional ID No(s): 1013138



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

<b>DATES</b>	Assigned	10-Dec-2007	Screening	22-Jan-2008	EPA Due	
	PCW	9-Apr-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Quail Oak Property Owners Association		
Reg. Ent. Ref. No.	RN101277317		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	35268	No. of Violations	4
Docket No.	2008-0166-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Tel Croston
Multi-Media	Public Water Utilities	EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$1,800

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

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

**Compliance History** 10% Enhancement Subtotals 2, 3, & 7 \$180

Notes: Enhancement due to two Notices of Violation for the same or similar violations in the past five years.

**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  
 \*Capped at the Total EB \$ Amount  
 Approx. Cost of Compliance \$462  
\$7,900

**SUM OF SUBTOTALS 1-7** Final Subtotal \$1,980

**OTHER FACTORS AS JUSTICE MAY REQUIRE** 0% Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$1,980

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$1,980

**DEFERRAL** 20% Reduction Adjustment -\$396

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

Notes:

Deferral is offered for an expedited settlement.

**PAYABLE PENALTY** \$1,584

Screening Date 22-Jan-2008

Docket No. 2008-0166-MLM-E

PCW

Respondent Quail Oak Property Owners Association

Policy Revision 2 (September 2002)

Case ID No. 35268

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101277317

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

## Compliance History Worksheet

## &gt;&gt; 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 judgments 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) 10%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

Enhancement due to two Notices of Violation for the same or similar violations in the past five years.

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

<b>Screening Date</b> 22-Jan-2008	<b>Docket No.</b> 2008-0166-MLM-E	<b>PCW</b>
<b>Respondent</b> Quail Oak Property Owners Association	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35268	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101277317		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b>	1	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(d)(1), (e)(1), and (h)(1)	
<b>Violation Description</b>	Failed to submit "as built" plans and specifications for the water system that have been prepared by a licensed, professional engineer for Commission review and approval.	
<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	<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**

	<b>Falsification</b>			
	Major	Moderate	Minor	
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
<b>Matrix Notes</b>	Failed to meet 100% of the rule requirement.			<b>Percent</b> <input type="text" value="10%"/>

**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" value="x"/>

**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** Quail Oak Property Owners Association  
**Case ID No.** 35268  
**Reg. Ent. Reference No.** RN101277317  
**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
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**Item Description** No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,000	12-Nov-2007	31-Jul-2008	0.7	\$2	\$48	\$50
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 have an engineer prepare "as built" plans and specifications and obtain Commission approval, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$50

<b>Screening Date</b> 22-Jan-2008	<b>Docket No.</b> 2008-0166-MLM-E	<b>PCW</b>
<b>Respondent</b> Quail Oak Property Owners Association	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35268	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101277317		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b>	2	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(A)	
<b>Violation Description</b>	Failed to submit well completion data to the Commission prior to placing the wells into service. Specifically, at the time of the investigation, the Respondent failed to submit the following documents for approval for Well No. 2: sanitary control easement, driller's log, pump setting report, results of chemical analysis, and a U.S. Geological Survey report.	
<b>Base Penalty</b>		\$1,000

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

<b>OR</b>	<b>Harm</b>				
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	<b>Potential</b>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
	<b>Matrix Notes</b>	Less than 75% of the rule requirement was met.			<b>Percent</b> <input style="width:50px;" type="text" value="10%"/>

**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" value="x"/>

**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** Quail Oak Property Owners Association  
**Case ID No.** 35268  
**Reg. Ent. Reference No.** RN101277317  
**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				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Nov-2007	31-Aug-2008	0.8	\$1	\$11	\$11
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and submit well completion data to the Commission, calculated from the investigation date to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$200	<b>TOTAL</b>	\$11
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<b>Screening Date</b> 22-Jan-2008	<b>Docket No.</b> 2008-0166-MLM-E	<b>PCW</b>
<b>Respondent</b> Quail Oak Property Owners Association	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35268	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101277317		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b>	3	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.44(d)(4)	
<b>Violation Description</b>	Failed to provide accurate metering devices at each residential, commercial or industrial service connection for the accumulation of water usage data. Specifically, no meters were installed at any residence connected to the system.	
<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	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input style="width:50px;" type="text" value="0%"/>	

**>> Programmatic Matrix**

	<b>Falsification</b>				
		Major	Moderate		Minor
	<input type="text"/>	x	<input type="text"/>		<input type="text"/>
<b>Matrix Notes</b>	Failed to comply with 100% of the rule requirement.			<b>Percent</b> <input style="width:50px;" type="text" value="10%"/>	

**Adjustment**

**Violation Events**

Number of Violation Events <input style="width:50px;" type="text" value="15"/>	<input style="width:50px;" type="text" value="71"/>	Number of violation days												
mark only one with an x <table border="1" style="margin-left: 20px;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<b>Violation Base Penalty</b> <input style="width:100px;" type="text" value="\$1,500"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													
Fifteen events are recommended, one for each residence in the system.														

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input style="width:150px;" type="text" value="\$110"/>	Violation Final Penalty Total <input style="width:100px;" type="text" value="\$1,650"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input style="width:100px;" type="text" value="\$1,650"/>	

## Economic Benefit Worksheet

**Respondent** Quail Oak Property Owners Association  
**Case ID No.** 35268  
**Reg. Ent. Reference No.** RN101277317  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$1,500	12-Nov-2007	30-Nov-2008	1.1	\$5	\$105	\$110
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 supply each residence with a meter, calculated from the date of the investigation to the estimated date of completion.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,500

TOTAL

\$110

<b>Screening Date</b> 22-Jan-2008	<b>Docket No.</b> 2008-0166-MLM-E	<b>PCW</b>
<b>Respondent</b> Quail Oak Property Owners Association	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 35268	<i>PCW Revision November 6, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101277317		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Tel Croston		
<b>Violation Number</b>	4	
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.105(b) and 290.118(b)	
<b>Violation Description</b>	Failed to provide water that meets the Commission's secondary constituent levels (SCL) of 0.05 milligrams per liter ("mg/L") for manganese. Specifically, a review of the records at the time of the investigation revealed the most recent chemical analysis of the water conducted on September 15, 2006 indicated a manganese concentration of 0.288 mg/L.	
<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	<input type="checkbox"/>	<input type="checkbox"/>		<input checked="" type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b>	
				10%	

**>> Programmatic Matrix**

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

**Matrix Notes**  
 Distribution of water exceeding SCLs has resulted in exposure to an insignificant amount of pollutants which do not exceed health-based standards.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events   Number of violation days

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

**Violation Base Penalty** \$100

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** Quail Oak Property Owners Association  
**Case ID No.** 35268  
**Reg. Ent. Reference No.** RN101277317  
**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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$200	12-Nov-2007	30-Jun-2008	0.6	\$0	\$8	\$9
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 maintain the manganese level below 0.05 mg/L, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$200

TOTAL \$9



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

**TCEQ**

<b>DATES</b>	Assigned	10-Dec-2007	Screening	22-Jan-2008	EPA Due	
	PCW	22-Mar-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Quail Oak Property Owners Association		
Reg. Ent. Ref. No.	RN101277317		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

<b>CASE INFORMATION</b>				
Enf./Case ID No.	35268	No. of Violations	1	
Docket No.	2008-0166-MLM-E	Order Type	1660	
Media Program(s)	Public Water Utilities	Enf. Coordinator	Tel Croston	
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 2	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$500

## Penalty Calculation Section

**TOTAL BASE PENALTY (Sum of violation base penalties)** Subtotal 1 \$50

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

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

**Compliance History** 10% Enhancement Subtotals 2, 3, & 7 \$5

Notes: Enhancement due to two Notices of Violation (NOVs) for the same or similar violations in the past five years.

**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 EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

**Total EB Amounts** \$84 0% Enhancement\* Subtotal 6 \$0  
 Approx. Cost of Compliance \$1,500 \*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal \$55

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

**Final Penalty Amount** \$55

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty \$55

**DEFERRAL** 20% Reduction Adjustment -\$11

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** \$44

**Screening Date** 22-Jan-2008

**Docket No.** 2008-0166-MLM-E

**PCW**

**Respondent** Quail Oak Property Owners Association

Policy Revision 2 (September 2002)

**Case ID No.** 35268

PCW Revision January 29, 2008

**Reg. Ent. Reference No.** RN101277317

**Media [Statute]** Public Water Utilities

**Enf. Coordinator** Tel Croston

### 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 judgments 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%
<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**

Enhancement due to two Notices of Violation (NOVs) for the same or similar violations in the past five years.

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

**Screening Date** 22-Jan-2008 **Docket No.** 2008-0166-MLM-E **PCW**  
**Respondent** Quail Oak Property Owners Association *Policy Revision 2 (September 2002)*  
**Case ID No.** 35268 *PCW Revision January 29, 2008*  
**Reg. Ent. Reference No.** RN101277317  
**Media [Statute]** Public Water Utilities  
**Enf. Coordinator** Tel Croston  
**Violation Number**   
**Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

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

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	
<input type="text" value="Failed to comply with 100% of the rule requirement."/>					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an 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="text" value="x"/>

**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** Quail Oak Property Owners Association  
**Case ID No.** 35268  
**Reg. Ent. Reference No.** RN101277317  
**Media** Public Water Utilities  
**Violation No.** 1

<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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$1,500	12-Nov-2007	31-Aug-2008	0.8	\$4	\$80	\$84
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 prepare and submit a complete application for a certificate of public convenience and necessity, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

**Approx. Cost of Compliance** **TOTAL**

\$1,500	\$84
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# Compliance History

Customer/Respondent/Owner-Operator: CN600704944 Quail Oak Property Owners Association Classification: Rating:

Regulated Entity: RN101277317 QUAIL OAK PROPERTY OWNER ASSOCIATION Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1013138

Location: 2901 QUAIL OAK DR, HOUSTON, TX, 77014

TCEQ Region: REGION 12 - HOUSTON

Date Compliance History Prepared: August 25, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 09, 2003 to April 09, 2008

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

Name: Tel Croston Phone: (512) 239-5717

## 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. (CCEDS Inv. Track. No.)

- 1 04/28/2003 (31615)
- 2 11/15/2005 (432400)
- 3 12/04/2007 (609697)

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

Date: 04/25/2003 (31615)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)  
 30 TAC Chapter 290, SubChapter D 290.39(h)(1)  
 30 TAC Chapter 290, SubChapter D 290.39(n)(1)

Description: Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)

Description: Failure to submit well completion data on well number 2 for our review and approval.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 291, SubChapter G 291.101(a)

Description: Failure by Quail Oak Subdivision to obtain from the Commission a Certificate of Public Convenience and Necessity.

Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv) 30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	Failure to complete customer service inspection certifications.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)(4)		
Description:	Failure to provide accurate metering devices at each service connection to provide water usage data.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to install all water system electrical wiring in a securely mounted conduit.		
Date	11/15/2005	(432400)	
Self Report?	NO	Classification	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.39(e)(1) 30 TAC Chapter 290, SubChapter D 290.39(h)(1) 30 TAC Chapter 290, SubChapter D 290.39(n)(1)		
Description:	Failure to secure the services of a registered professional engineer well versed in the design and construction of public water systems so that "as-built" plans and specifications can be prepared and submitted for our review.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)		
Description:	Failure to submit well completion data on well number 2 for our review and approval.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 291, SubChapter G 291.101(a)		
Description:	Failure by Quail Oak Subdivision to obtain from the Commission a Certificate of Public Convenience and Necessity.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv) 30 TAC Chapter 290, SubChapter D 290.46(j)		
Description:	Failure to complete customer service inspection certifications.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.44(d)(4)		
Description:	Failure to provide accurate metering devices at each service connection to provide water usage data.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to install all water system electrical wiring in a securely mounted conduit.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)		
Description:	Failure to perform at least once every seven days, chlorine residual tests on the distribution system water.		

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  
QUAIL OAK PROPERTY OWNERS  
ASSOCIATION  
RN101277317**

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

## **AGREED ORDER DOCKET NO. 2008-0166-MLM-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 Quail Oak Property Owners Association ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341 and TEX. WATER CODE ch. 13. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 2901 Quail Oak Drive, Harris County, Texas (the "Facility") that has approximately 15 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Respondent owns and operates, in Texas and for compensation, equipment or facilities for the transmission, storage, distribution, sale, or provision of potable water to the public or for the resale of potable water to the public for any use. The Respondent is not exempt from regulation under TEX. WATER CODE ch. 13 or the rules of the Commission.
3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about December 8, 2007.



5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Thirty-Five Dollars (\$2,035) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Six Hundred Twenty-Eight Dollars (\$1,628) of the administrative penalty and Four Hundred Seven Dollars (\$407) is deferred contingent upon the Respondent'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 the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.
7. 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.
8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
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, the Respondent is alleged to have:

1. Failed to submit "as built" plans and specifications for the water system that have been prepared by a licensed, professional engineer for Commission review and approval, in violation of 30 TEX. ADMIN. CODE § 290.39 (d)(1), (e)(1) and (h)(1), as documented during an investigation conducted on November 12, 2007.
2. Failed to submit well completion data to the Commission prior to placing the wells into service, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on November 12, 2007.
3. Failed to provide metering devices at each residential, commercial or industrial service connection for the accumulation of water usage data, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(4), as documented during an investigation conducted on November 12, 2007.



4. Failed to provide water that meets the Commission's secondary constituent levels ("SCL") of 0.05 milligrams per liter for manganese, in violation of 30 TEX. ADMIN. CODE §§ 290.105(b) and 290.118(b), as documented during an investigation conducted on November 12, 2007.
5. Failed to obtain a certificate of public convenience and necessity, in violation of 30 TEX. ADMIN. CODE § 291.101(a), as documented during an investigation conducted on November 12, 2007.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Quail Oak Property Owners Association, Docket No. 2008-0166-MLM-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 the Respondent shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order:
    - i. Submit well completion data for Well No. 2 that includes a sanitary control easement, driller's log, pump setting report, results of chemical analysis, and a U.S. Geological Survey report, as required by 30 TEX. ADMIN. CODE § 291.41; and
    - ii. Submit as-built plans for the Facility to the Executive Director for review and approval, as required by 30 TEX. ADMIN. CODE § 290.39. The data and plans shall be submitted to:



Water Supply Division  
Utility Technical Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- iii. Submit all necessary documentation to obtain a Certificate of Public Convenience and Necessity, and respond in a timely manner to all request for further information to:

Water Supply Division  
Utility and District Review Section, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

- b. Within 75 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision 2.f below, that certifies compliance with Ordering Provision No. 2.a.
- c. Within 180 days after the effective date of this Agreed Order, provide all residences with an accurate metering device, as required by 30 TEX. ADMIN. CODE § 290.44.
- d. Within 195 days after the effective date of this Agreed Order, submit written certification, as detailed in Ordering Provision No. 2.f below, that certifies compliance with Ordering Provision No. 2.c.
- e. Within 365 days after the effective date of this Agreed Order, return to compliance with the SCL for manganese, as required by 30 TEX. ADMIN. CODE § 290.113.
- f. Within 380 days after the effective date of this Agreed Order, submit written certification as described below and include a copy of the water analysis to demonstrate compliance with Ordering Provision No. 2.e.

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

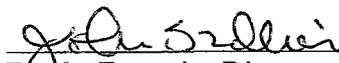


Quail Oak Property Owners Association  
DOCKET NO. 2008-0166-MLM-E  
Page 6

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

9/30/2008  
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

9-26-08  
Date

Anthony R. Kusiora Jr.  
Name (Printed or typed)  
Authorized Representative of  
Quail Oak Property Owners Association

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.

