

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-1775-WQ-E **TCEQ ID:** RN105110043 **CASE NO.:** 36795  
**RESPONDENT NAME:** Western Rim Investment Advisors, Inc.

<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 type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" 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> Western Rim Investment Advisors Mansions at Cascades, located approximately 5,450 feet west of the intersection of Texas-364-Spur and Texas-323-Loop, Smith County</p> <p><b>TYPE OF OPERATION:</b> Construction site</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> A complaint was received on May 16, 2008, alleging discharge of sediment from the construction site. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> A complaint was received but the complainant has not expressed the desire to protest this action or speak at Agenda.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on May 11, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> Mr. Phillip Hampsten, SEP Coordinator, Enforcement Division, MC 219, (512) 239-6732  <b>TCEQ Enforcement Coordinator:</b> Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-9, (254) 761-3034;  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Matthew Hiles, Executive Vice President, Western Rim Investment Advisors, Inc., 601 Canyon Drive, Suite 101, Coppell, Texas 75019  <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 checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> May 16, 2008</p> <p><b>Date of Investigation Relating to this Case:</b> May 28, 2008 to July 29, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 8, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation and a record review.</p> <p><b>WATER</b></p> <p>1) Failure to conduct inspections of sediment and erosion control measures identified in the storm water pollution prevention plan ("SWP3"). Specifically, a review of the storm water inspection records revealed that inspections had not been conducted at the Site since October 15, 2007 [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System (TPDES) Construction General Permit (CGP) No. TXR15DX85, Part III, Section F(8)(a)].</p> <p>2) Failure to modify the SWP3 based on the results of inspections. Specifically, a review of the storm water inspection records conducted between August 21, 2006 through October 15, 2007, revealed several inspections that identified a need for additional best management practices ("BMPs"); however, no documentation was found in the SWP3 that indicated changes were being made to BMPs at the Site as a result of these inspections [30 TEX. ADMIN. CODE § 305.125(1) and TPDES CGP No. TXR15DX85, Part III, Section F(8)(c)].</p> <p>3) Failure to maintain in effective operating condition all sediment controls and to remove sediment accumulations that escape the site at a frequency that minimizes off-site impacts, resulting in an unauthorized discharge. Specifically,</p>	<p><b>Total Assessed:</b> \$19,758</p> <p><b>Total Deferred:</b> \$3,951  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$7,903</p> <p><b>Total Paid to General Revenue:</b> \$7,904</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" 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>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that by October 17, 2008, the Respondent had completed the construction project, stabilized the site, and submitted a notice of termination to the TCEQ.</p> <p><b>Ordering Provisions:</b></p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will also require the Respondent to:</p> <p>a. Within 120 days after the effective date of this Agreed Order, remove visible accumulations of sediment in the woods within 50 feet of the centerline of the tributary of Greenbriar Lake and within the tributary of Greenbriar Lake starting at the point of origin (the Mansions at Cascades construction project) to the point where the tributary flows into Greenbriar Lake, including the sediment bar (approximately 100 feet by 110 feet and an estimated depth of two feet) that was formed at the point where the tributary enters Greenbriar Lake; and</p> <p>b. Within 135 days after the effective date of this Agreed Order, submit written certification of compliance. The certification shall include a written statement that the sediment material was removed and relocated or disposed of at a TCEQ authorized location, including a description of the specific location where the material was taken, the amount of material transported, and the method of removal. The certification shall also include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p>

<p>many of the sediment controls, including silt fences and rock filter dams, were observed to be damaged and ineffective. A significant amount of sediment had discharged from the Site into a tributary of Greenbriar Lake. Sediment was also observed along the banks of the tributary and within the woods around the tributary. A large sediment bar (approximately 100 feet by 110 feet and an estimated average depth of two feet) had deposited where the tributary enters Greenbriar Lake [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES CGP No. TXR15DX85, Part III, Sections F(6)(a) and F(6)(d)].</p>		
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Additional ID No(s): STW/TXR15DX85/CO



Attachment A  
Docket Number: 2008-1775-WQ-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** Western Rim Investment Advisors, Inc.  
**Payable Penalty Amount:** Fifteen Thousand Eight Hundred Seven Dollars (\$15,807)  
**SEP Amount:** Seven Thousand Nine Hundred Three Dollars (\$7,903)  
**Type of SEP:** Pre-approved  
**Third-Party Recipient:** Audubon Society –Tyler Habitat Improvement-Langley Island  
**Location of SEP:** Smith County

The Texas Commission on Environmental Quality (“TCEQ”) agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project (“SEP”). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

**1. Project Description**

A. Project

The Respondent will contribute to Tyler Audubon Society Habitat Improvement for its habitat improvement on Langley Island on Lake Tyler. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the Audubon Society and the Texas Commission on Environmental Quality. Specifically, the contribution will be used for transportation via boat to the island, for purchase of hand tools for clearing undergrowth and unwanted trees, and for needed signs to mark trails and post rules for island usage.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by clearing brush to improve the sanctuary for purposes of overseeing the island and cleaning the bird boxes. The project will also help keep the funds for boat transportation from being paid out of pocket by Chapter members and replace the existing rule signs and flags that mark the trails.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.



## 2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Audubon Society  
Sharon Jenkins, Executive Director  
427 Sterzing Street, Suite 109  
Austin, Texas 78704

## 3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division  
Attention: SEP Coordinator, MC 219  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

## 4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to ATexas Commission on Environmental Quality@ and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

## 5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.



**6. Clean Texas Program**

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

**7. Other SEPs by TCEQ or Other Agencies**

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	13-Oct-2008	Screening	7-Nov-2008	EPA Due	
	PCW	7-Nov-2008				

**RESPONDENT/FACILITY INFORMATION**

Respondent	Western Rim Investment Advisors, Inc.		
Reg. Ent. Ref. No.	RN105110043		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

**CASE INFORMATION**

Enf./Case ID No.	36795	No. of Violations	3
Docket No.	2008-1775-WQ-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Heather Brister
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$10,000
		EC's Team	Enforcement Team 1

## 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 Total Adjustments** Subtotal 5

**Economic Benefit**  Subtotal 6

Total EB Amounts	\$6,438
Approx. Cost of Compliance	\$101,300

\*Capped at the Total EB \$ Amount

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

**Screening Date** 7-Nov-2008

**Docket No.** 2008-1775-WQ-E

**PCW**

**Respondent** Western Rim Investment Advisors, Inc.

Policy Revision 2 (September 2002)

**Case ID No.** 36795

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN105110043

**Media [Statute]** Water Quality

**Enf. Coordinator** Heather Brister

### 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)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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)** 5%

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

No

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent was issued a Notice of Violation for violations considered to be same or similar.

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

<b>Screening Date</b> 7-Nov-2008	<b>Docket No.</b> 2008-1775-WQ-E	<b>PCW</b>			
<b>Respondent</b> Western Rim Investment Advisors, Inc.	<small>Policy Revision 2 (September 2002)</small>				
<b>Case ID No.</b> 36795	<small>PCW Revision October 30, 2008</small>				
<b>Reg. Ent. Reference No.</b> RN105110043					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Heather Brister					
<b>Violation Number</b> <input type="text" value="1"/>					
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Construction General Permit ("CGP") No. TXR15DX85, Part III, Section F(8)(a)				
<b>Violation Description</b>	Failed to conduct inspections of sediment and erosion control measures identified in the storm water pollution prevention plan ("SWP3"), as documented during the record review conducted on July 29, 2008. Specifically, a review of the storm water inspection records revealed that inspections had not been conducted at the Site since October 15, 2007.				
<b>Base Penalty</b>		<input type="text" value="\$10,000"/>			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	x	<input type="text"/>	<b>Percent</b> <input type="text" value="10%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	<b>Percent</b> <input type="text" value="0%"/>
Matrix Notes	Failure to conduct inspections of sediment controls could result in human health or the environment being exposed to significant amounts of pollutants which would not exceed protective levels.				
<b>Adjustment</b>		<input type="text" value="\$9,000"/>		<input type="text" value="\$1,000"/>	
<b>Violation Events</b>					
<b>Number of Violation Events</b>	<input type="text" value="4"/>	<input type="text" value="354"/>	<b>Number of violation days</b>		
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$4,000"/>		
	weekly	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	x			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
Four quarterly events are recommended from the next inspection due date (October 29, 2007) to the date a notice of termination was submitted (October 17, 2008).					
<b>Good Faith Efforts to Comply</b>		<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>		
		<small>Before NOV    NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	x	<small>(mark with x)</small>			
Notes	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>		<input type="text" value="\$4,000"/>			
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>			
<b>Estimated EB Amount</b>	<input type="text" value="\$611"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$4,516"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$4,516"/>			

## Economic Benefit Worksheet

**Respondent** Western Rim Investment Advisors, Inc.  
**Case ID No.** 36795  
**Reg. Ent. Reference No.** RN105110043  
**Media** Water Quality  
**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
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No commas or \$

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$600	29-Oct-2007	17-Oct-2008	0.97	\$29	\$582	\$611
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failing to conduct inspections of sediment and erosion controls throughout the Site. Date required is the date the next inspection should have been conducted. Final date is the date a notice of termination was submitted.

Approx. Cost of Compliance \$600

TOTAL \$611

**Screening Date** 7-Nov-2008 **Docket No.** 2008-1775-WQ-E **PCW**  
**Respondent** Western Rim Investment Advisors, Inc. *Policy Revision 2 (September 2002)*  
**Case ID No.** 36795 *PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN105110043

**Media [Statute]** Water Quality

**Enf. Coordinator** Heather Brister

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 305.125(1) and TPDES CGP No. TXR15DX85, Part III, Section F(8)(c)

**Violation Description**  
 Failed to modify the SWP3 based on the results of inspections, as documented during the record review conducted on July 29, 2008. Specifically, a review of the storm water inspection records conducted between August 21, 2006 through October 15, 2007 revealed several inspections that identified a need for additional best management practices ("BMPs"); however, no documentation was found in the SWP3 that indicated changes were being made to BMPs at the Site as a result of these inspections.

**Base Penalty** \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the permit requirement was not met.

**Adjustment** \$9,000

\$1,000

**Violation Events**

Number of Violation Events 1 420 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

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

One single event is recommended based on documentation of the violation during the July 29, 2008 record review.

**Good Faith Efforts to Comply**

0.0% Reduction

\$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 for this violation.

**Violation Subtotal** \$1,000

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

**Statutory Limit Test**

Estimated EB Amount \$772

**Violation Final Penalty Total** \$1,129

**This violation Final Assessed Penalty (adjusted for limits)** \$1,129

## Economic Benefit Worksheet

**Respondent** Western Rim Investment Advisors, Inc.  
**Case ID No.** 36795  
**Reg. Ent. Reference No.** RN105110043  
**Media** Water Quality  
**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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

**Avoided Costs**

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$700	21-Aug-2006	15-Oct-2007	2.07	\$72	\$700	\$772
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost that was avoided by failing to update the SWP3 based on the inspection results (estimated at \$50 per month). Date required is the date of the first inspection. Final date is the date of the last inspection.

Approx. Cost of Compliance \$700

TOTAL \$772

<b>Screening Date</b> 7-Nov-2008	<b>Docket No.</b> 2008-1775-WQ-E	<b>PCW</b>	
<b>Respondent</b> Western Rim Investment Advisors, Inc.		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 36795		<small>PCW Revision October 30, 2008</small>	
<b>Reg. Ent. Reference No.</b> RN105110043			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Heather Brister			
<b>Violation Number</b> <input type="text" value="3"/>			
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES CGP No. TXR15DX85, Part III, Sections F(6)(a) and F(6)(d)		
<b>Violation Description</b>	Failed to maintain in effective operating condition all sediment controls and to remove sediment accumulations that escape the Site at a frequency that minimizes off-site impacts, resulting in an unauthorized discharge, as documented during an investigation conducted on July 3, 2008. Specifically, many of the sediment controls, including silt fences and rock filter dams, were observed to be damaged and ineffective. A significant amount of sediment had discharged from the Site into a tributary of Greenbriar Lake. Sediment was also observed along the banks of the tributary and within the woods around the tributary. A large sediment bar (approximately 100 feet by 110 feet and an estimated average depth of two feet) had deposited where the tributary enters Greenbriar Lake.		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>OR</b>	<b>Release</b>	<b>Harm</b>	
		Major      Moderate      Minor	
	Actual	<input type="text" value="x"/>	
	Potential		<b>Percent</b> <input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major      Moderate      Minor	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Human health or the environment has been exposed to significant amounts of pollutants that would not exceed protective levels as a result of the violation.		
	<b>Adjustment</b>	<input type="text" value="\$7,500"/>	
		<input type="text" value="\$2,500"/>	
<b>Violation Events</b>			
	<b>Number of Violation Events</b>	<input type="text" value="5"/>	<input type="text" value="101"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input checked="" type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	Five monthly events are recommended from the July 3, 2008 investigation date to the November 7, 2008 screening date.		
<b>Good Faith Efforts to Comply</b>			
	<b>0.0% Reduction</b>	<input type="text" value="\$0"/>	
	<small>Before NOV      NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>		
Ordinary	<input type="text"/>		
N/A	<input checked="" type="text" value="x"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
	<b>Violation Subtotal</b>	<input type="text" value="\$12,500"/>	
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
	<b>Estimated EB Amount</b>	<input type="text" value="\$5,055"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$14,113"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$14,113"/>

### Economic Benefit Worksheet

**Respondent** Western Rim Investment Advisors, Inc.  
**Case ID No.** 36795  
**Reg. Ent. Reference No.** RN105110043  
**Media** Water Quality  
**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**

Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal	\$100,000	3-Jul-2008	7-Jul-2009	1.01	\$5,055	\$5,055
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the sediment from the affected areas. Date required is the date of the investigation. Final date is the anticipated date of compliance.

**Avoided Costs**

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

Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance    **\$100,000**    **TOTAL**    **\$5,055**

# Compliance History Report

Customer/Respondent/Owner-Operator: CN602855421 WESTERN RIM INVESTMENT ADVISORS, INC Classification: AVERAGE Rating: 3.00  
Regulated Entity: RN105110043 WESTERN RIM INVESTMENT ADVISORS MANSIONS AT CASCADES Classification: AVERAGE Site Rating: 3.00

ID Number(s):

Location: LOCATED APPRX 5,450 FT W OF THE INTX OF TX-364-SPUR & TX-323-LOOP, SMITH CO, TX Rating Date: 9/1/2008  
Repeat Violator: NO

TCEQ Region: REGION 05 - TYLER  
Date Compliance History Prepared: October 27, 2008  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: October 27, 2003 to October 27, 2008

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

Name: Heather Brister Phone: 512/761-3034

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.)

09/15/2008 (702305)

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

Date: 02/02/2007 (538003)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to design adequate erosion control measures and sediment minimization structures.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to post a Notice of Intent so that it is visible to the public.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)

Description: Failure to post a site construction notice.

- 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.

Sites Outside of Texas

N/A

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