

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2009-0191-PWS-E **TCEQ ID:** RN101278471 **CASE NO.:** 37134

**RESPONDENT NAME:** New Horizons Ranch and Center, Inc.

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDE	<input checked="" 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> New Horizons Ranch and Center, 850 Highway 574 West, Mills County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" 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 June 1, 2009. 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, MC R-13, (210) 403-4077; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Prentice Barnett, Registered Agent, New Horizons Ranch and Center, Inc., P.O. Box 549, Goldthwaite, Texas 76844                      Mr. Michael J. Redden, Executive Director, New Horizons Ranch and Center, Inc., P.O. Box 549, Goldthwaite, Texas 76844  <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 type="checkbox"/> Enforcement Follow-up  <input checked="" 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> January 4, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> January 6, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on a running annual average. Specifically, the running annual average concentrations for HAA5 were 0.078 mg/L for the fourth quarter of 2007, 0.081 mg/L for the first quarter of 2008, 0.087 mg/L for the second quarter of 2008, and 0.092 mg/L for the third quarter of 2008 [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failure to comply with the MCL of 0.080 mg/L for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.121 mg/L for the third quarter of 2008 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$1,005</p> <p><b>Total Deferred:</b> \$0  <input 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> \$1,005</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 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>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM and HAA5 at the Facility; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): PWS ID No. 1670009



## Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	26-Jan-2009	<b>Screening</b>	6-Feb-2009	<b>EPA Due</b>	1-May-2009
	PCW	6-Feb-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	New Horizons Ranch and Center, Inc.
Reg. Ent. Ref. No.	RN101278471
Facility/Site Region	9-Waco
Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	37134	No. of Violations	2
Docket No.	2009-0191-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

### Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$500
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

Compliance History	76.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i>	\$380
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Notes: The enhancement is due to five prior NOVs for the same violation as violations in the current enforcement action, three prior NOVs containing dissimilar violations, one prior agreed final order containing a denial of liability, and one prior agreed final order without a denial of liability.

Culpability	Yes	25.0% Enhancement	<i>Subtotal 4</i>	\$125
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Notes: The Respondent received alert letters for total trihalomethanes ("TTHM") dated September 27, 2005, July 10, 2006, November 7, 2006, October 17, 2007, and August 19, 2008. The Respondent also received alert letters for haloacetic acids ("HAA5") dated August 9, 2005, October 2, 2007, and December 11, 2007.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$0
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts: \$769 Approx. Cost of Compliance: \$5,000		*Capped at the Total EB \$ Amount	

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$1,005
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

	<i>Final Penalty Amount</i>	\$1,005
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$1,005
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<b>DEFERRAL</b>	0.0%	Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Order.

<b>PAYABLE PENALTY</b>	\$1,005
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**Screening Date** 6-Feb-2009

**Docket No.** 2009-0191-PWS-E

**PCW**

**Respondent** New Horizons Ranch and Center, Inc.

*Policy Revision 2 (September 2002)*

**Case ID No.** 37134

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN101278471

**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)	5	25%
	Other written NOVs	3	6%
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	1	25%
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)** 76%

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

N/A

**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 enhancement is due to five prior NOVs for the same violation as violations in the current enforcement action, three prior NOVs containing dissimilar violations, one prior agreed final order containing a denial of liability, and one prior agreed final order without a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 76%

<b>Screening Date</b> 6-Feb-2009	<b>Docket No.</b> 2009-0191-PWS-E	<b>PCW</b>
<b>Respondent</b> New Horizons Ranch and Center, Inc.		<small>Policy Revision 2 (September 2002)</small>
<b>Case ID No.</b> 37134		<small>PCW Revision October 30, 2008</small>
<b>Reg. Ent. Reference No.</b> RN101278471		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Yuliya Dunaway		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.113(f)(5) and Tex. Health &amp; Safety Code § 341.0315(c)"/>	
<b>Violation Description</b>	<input ("mg="" 0.060="" 0.078="" 0.081="" 0.087="" 0.092="" 2007,="" 2008,="" 2008."="" a="" and="" annual="" average="" average.="" based="" concentrations="" first="" for="" fourth="" haa5="" haa5,="" l="" l")="" liter="" mcl")="" mg="" milligrams="" of="" on="" per="" quarter="" running="" second="" specifically,="" the="" third="" type="text" value="Failed to comply with the maximum contaminant level (" were=""/>	
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>		
OR	<b>Harm</b>	
	Release    Major    Moderate    Minor	
	Actual	<input type="text" value="x"/>
	Potential	<input type="text"/>
	<b>Percent</b>	<input type="text" value="25%"/>
<b>&gt;&gt; Programmatic Matrix</b>		
	Falsification    Major    Moderate    Minor	
	<input type="text"/>	<input type="text" value="0%"/>
<b>Matrix Notes</b>	<input type="text" value="Exceeding the MCL for HAA5 exposes customers of the water supply to significant amounts of contaminants that do not exceed levels that are protective of human health."/>	
	<b>Adjustment</b>	<input type="text" value="\$750"/>
		<input type="text" value="\$250"/>
<b>Violation Events</b>		
<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="365"/> <b>Number of violation days</b>
<small>mark only one with an x</small>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
	single event	<input type="text"/>
	<b>Violation Base Penalty</b>	<input type="text" value="\$250"/>
	<input type="text" value="One annual event is recommended."/>	
<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"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>	
	<b>Violation Subtotal</b>	<input type="text" value="\$250"/>
<b>Economic Benefit (EB) for this violation</b>		
<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$769"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$503"/>
	<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$503"/>	

## Economic Benefit Worksheet

**Respondent** New Horizons Ranch and Center, Inc.  
**Case ID No.** 37134  
**Reg. Ent. Reference No.** RN101278471  
**Media** Public Water Supply  
**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)	\$5,000	20-Dec-2007	1-Mar-2010	2.20	\$37	\$732	\$769
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

The delayed costs include the amount to implement an alternative method of disinfection, calculated from the sample collection date documenting noncompliance to the estimated 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

\$5,000

TOTAL

\$769

<b>Screening Date</b> 6-Feb-2009	<b>Docket No.</b> 2009-0191-PWS-E	<b>PCW</b>		
<b>Respondent</b> New Horizons Ranch and Center, Inc.		<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 37134		<small>PCW Revision October 30, 2008</small>		
<b>Reg. Ent. Reference No.</b> RN101278471				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Yuliya Dunaway				
<b>Violation Number</b> <input type="text" value="2"/>				
<b>Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.113(f)(4) and Tex. Health &amp; Safety Code § 341.0315(c)"/>			
<b>Violation Description</b>	<input type="text" value="Failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.121 mg/L for the third quarter of 2008."/>			
	<b>Base Penalty</b>	<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="text" value=""/>	x	<input type="text" value=""/>
	Potential	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>	<input type="text" value=""/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	<input type="text" value="Exceeding the MCL for TTHM exposes customers of the water supply to significant amounts of contaminants that do not exceed levels that are protective of human health."/>			
	<b>Adjustment</b>	<input type="text" value="\$750"/>		
			<input type="text" value="\$250"/>	
<b>Violation Events</b>				
	<b>Number of Violation Events</b>	<input type="text" value="1"/>	<b>Number of violation days</b>	
		<input type="text" value="90"/>		
<small>mark only one with an x</small>	daily	<input type="text" value=""/>	<b>Violation Base Penalty</b>	
	weekly	<input type="text" value=""/>		
	monthly	<input type="text" value=""/>		
	quarterly	<input type="text" value=""/>		
	semiannual	<input type="text" value=""/>		
	annual	x		
	single event	<input type="text" value=""/>		
	<input type="text" value="\$250"/>			
<input type="text" value="One annual event is recommended."/>				
<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" value=""/>	<input type="text" value=""/>		
Ordinary	<input type="text" value=""/>	<input type="text" value=""/>		
N/A	x	<small>(mark with x)</small>		
<b>Notes</b>	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
	<b>Violation Subtotal</b>	<input type="text" value="\$250"/>		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount</b>	<input type="text" value="\$0"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$503"/>	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$503"/>	

## Economic Benefit Worksheet

**Respondent** New Horizons Ranch and Center, Inc.  
**Case ID No.** 37134  
**Reg. Ent. Reference No.** RN101278471  
**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
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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

The delayed costs associated with this violation are included in the economic benefit of violation no. 1.

**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 \$0

TOTAL \$0

# Compliance History Report

Customer/Respondent/Owner-Operator:	CN600705727	NEW HORIZONS RANCH AND CENTER, INC.	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101278471	NEW HORIZONS RANCH AND CENTER	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION		1670009
	WATER LICENSING	LICENSE		1670009
Location:	850 HWY 574 W, MILLS COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	February 11, 2009			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 27, 2004 to January 27, 2009			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Yuliya Dunaway	Phone:	210-403-4077	

## 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.

- |   |                            |
|---|----------------------------|
| Effective Date: 08/13/2004  | ADMINORDER 2003-1540-PWS-E |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)   |                            |
| Description: Failure to calibrate all flow measuring devices at the water plant at least once every twelve months.  |                            |
| Classification: Major   |                            |
| Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)   |                            |
| Description: Failure to provide an up-to-date chemical and microbiological monitoring plan.   |                            |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(B)<br>5A THC Chapter 341, SubChapter A 341.0315(c)   |                            |
| Description: Failure to provide adequate water treatment plant pressure filtration facilities.  |                            |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.43(d)(3)   |                            |
| Description: Failure to equip the pressure tank with some sanitary means of determining the air-to-water ratio.   |                            |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(2)   |                            |
| Description: Failure to inspect the pressure filters annually.  |                            |
| Effective Date: 11/18/2006  | ADMINORDER 2004-1750-PWS-E |
| Classification: Moderate  |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(A)  |                            |
| Description: Failure by the regulated entity, which treats surface water, to employ at least one operator who possess a valid Class "B" or higher water operator license. |                            |
| Classification: Minor   |                            |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)   |                            |
| Description: Failure to calibrate all flow measuring devices and rate-of-flow controllers at least once every twelve months.  |                            |

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	04/16/2004	(265831)
2	09/28/2004	(333305)
3	03/15/2006	(454426)
4	04/15/2007	(644431)
5	07/01/2007	(645079)
6	07/13/2007	(563966)
7	08/22/2007	(572994)
8	02/05/2008	(652080)
9	04/03/2008	(722587)
10	08/28/2008	(723580)
11	10/24/2008	(723722)
12	11/03/2008	(723591)
13	01/20/2009	(724135)

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

Date: 03/15/2006 (454426) CN600705727  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)  
Description: Failure to provide an adequate transfer pumping capacity.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)  
Description: Failure to provide an air gap on the make-up water supply line.

Date: 06/20/2007 (563966) CN600705727  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(e)(5)  
Description: Failure to properly secure the raw water pump station.

Date: 07/20/2007 (563966) CN600705727  
Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)  
Description: Failure to calibrate all flow measuring devices as required.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)  
Description: Failure to calibrate the on-line turbidimeter at least once every ninety days.

Date: 02/05/2008 (652080) CN600705727  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
Description: Violated the maximum contaminant level for haloacetic acids during the fourth quarter of 2007.

Date: 04/03/2008 (722587) CN600705727  
Classification: Moderate

Self Report? NO  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
Description: Violated the maximum contaminant level for haloacetic acids during the first quarter of 2008.

Date: 08/28/2008 (723580) CN600705727  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
Description: Violated the maximum contaminant level for haloacetic acids during the second quarter of 2008.

Date: 10/24/2008 (723722) CN600705727  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)  
Description: Violated the maximum contaminant level for trihalomethanes during the third quarter of 2008.

Date: 11/03/2008 (723591) CN600705727  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)  
Description: Violated the maximum contaminant level for haloacetic acids during the third quarter of 2008.

- 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  
NEW HORIZONS RANCH AND CENTER,  
INC.  
RN101278471

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2009-0191-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding New Horizons Ranch and Center, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

The Commission makes the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 850 Highway 574 West, Mills County, Texas (the "Facility") that has approximately 31 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review on January 4, 2009, TCEQ staff documented that the Respondent did not comply with the maximum contaminant level ("MCL") of 0.060 milligrams per liter ("mg/L") for haloacetic acids ("HAA5"), based on a running annual average. Specifically, the running annual average concentrations for HAA5 were 0.078 mg/L for the fourth quarter of 2007, 0.081 mg/L for the first quarter of 2008, 0.087 mg/L for the second quarter of 2008, and 0.092 mg/L for the third quarter of 2008.
3. During a record review on January 4, 2009, TCEQ staff documented that the Respondent did not comply with the MCL of 0.080 mg/L for total trihalomethanes ("TTHM"), based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.121 mg/L for the third quarter of 2008.
4. The Respondent received notice of the violations on January 11, 2009.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to comply with the MCL of 0.060 mg/L for HAA5, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to comply with the MCL of 0.080 mg/L for TTHM, based on a running annual average, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of One Thousand Five Dollars (\$1,005) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Five Dollar (\$1,005) administrative penalty.

### III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Five Dollars (\$1,005) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: New Horizons Ranch and Center, Inc., Docket No. 2009-0191-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. The Respondent shall undertake the following technical requirements:
  - a. Within 365 days after the effective date of this Agreed Order, return to compliance with the MCL for TTHM and HAA5 at the Facility, as required by 30 TEX. ADMIN. CODE § 290.113.
  - b. Within 380 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 fines 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:

DBP Coordinator  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

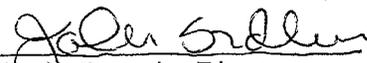
3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. 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.
8. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

New Horizons Ranch and Center, Inc.  
DOCKET NO. 2009-0191-PWS-E  
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### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

6/2/2009  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of New Horizons Ranch and Center, Inc. I am authorized to agree to the attached Agreed Order on behalf of New Horizons Ranch and Center, Inc., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, New Horizons Ranch and Center, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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:

APRIL 2, 2009  
Date

MICHAEL J. REDDEN  
Name (Printed or typed)  
Authorized Representative of  
New Horizons Ranch and Center, Inc.

EXECUTIVE DIRECTOR  
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.

