

Executive Summary – Enforcement Matter – Case No. 41935  
Greenwood Ventures, Inc. dba Greenwood Ventures and  
Patricia Williams dba Greenwood Ventures  
RN102689213  
Docket No. 2011-1073-PWS-E

**Order Type:**  
Default Order

**Findings Order Justification:**  
N/A

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
10706 Farm-to-Market Road 307, Midland, Midland County

**Type of Operation:**  
Public water system

**Other Significant Matters:**  
Additional Pending Enforcement Actions: None  
Past-Due Penalties: None  
Past-Due Fees: None  
Other: None  
Interested Third-Parties: None

**Texas Register Publication Date:** February 17, 2012

**Comments Received:** None

***Penalty Information***

**Total Penalty Assessed:** \$10,938

**Total Paid to General Revenue:** \$0

**Total Due to General Revenue:** \$10,938

**Compliance History Classifications:**  
Person/CN – N/A (Both Respondents)  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

**Executive Summary – Enforcement Matter – Case No. 41935  
Greenwood Ventures, Inc. dba Greenwood Ventures and  
Patricia Williams dba Greenwood Ventures  
RN102689213**

**Docket No. 2011-1073-PWS-E  
Investigation Information**

**Complaint Date(s):** N/A  
**Date(s) of Investigation:** May 20, 2011  
**Date(s) of NOV(s):** See Compliance History – 17 related NOVs  
**Date(s) of NOE(s):** May 27, 2011

**Violation Information**

1. Failed to submit a Disinfectant Level Quarterly Operating Report (DLQOR) by the tenth day of the month following the end of each quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3)].
2. Failed to report the quarterly results for inorganic and radiation contaminant levels to the ED [30 TEX. ADMIN. CODE § 290.106(e) and 290.108(e)].
3. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d)].

**Corrective Actions/Technical Requirements**

**Corrective Action(s) Completed:**  
N/A

**Technical Requirements:**

1. Within 30 days:
  - a. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly performed, including the timely submittal of signed and certified DLQORs;
  - b. Implement procedures to ensure all necessary public notifications are provided in a timely manner to the customers of the Facility; and
  - c. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
2. Within 60 days:
  - a. Ensure that all delinquent drinking water chemical reports are submitted to the Executive Director; and
  - b. Ensure that all future radionuclide, combined uranium, arsenic, and nitrate level reports are submitted each quarter to the Executive Director within 10 days of their request by the TCEQ or of their receipt by the Facility, whichever is later.
3. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter. This provision will be satisfied upon two quarters of compliant reporting.
4. Submit written certification to demonstrate compliance:
  - a. Within 45 days for Technical Requirements Nos. 1.a. and 1.b.;
  - b. Within 75 days for Technical Requirement No. 2; and
  - c. Within 195 days for Technical Requirements Nos. 1.c. and 3.

**Executive Summary – Enforcement Matter – Case No. 41935  
Greenwood Ventures, Inc. dba Greenwood Ventures and  
Patricia Williams dba Greenwood Ventures  
RN102689213**

**Docket No. 2011-1073-PWS-E  
*Litigation Information***

**Date Petition(s) Filed:** December 6, 2011  
**Date(s) Green Card(s) Signed:** December 8, 2011  
**Date(s) Answer(s) Filed:** N/A

***Contact Information***

**TCEQ Attorneys:** Jennifer Cook, Litigation Division, (512) 239-3400  
Lena Roberts, Litigation Division, (512) 239-3400  
James Murphy, Public Interest Counsel, (512) 239-6363

**TCEQ Enforcement Coordinator:** Andrea Linson, Water Enforcement Section, (512) 239-1482

**TCEQ Regional Contact:** Jared H. Basurto, Midland Regional Office, (432) 570-1359

**Respondents:** Patricia Williams, President, Greenwood Ventures, Inc., 10706 FM 307, Midland, Texas 79706, and 6612 East County Road 98, Midland, Texas 79701

**Respondents' Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	6-Jun-2011	<b>Screening</b>	8-Jun-2011	<b>EPA Due</b>	31-Dec-2008
	<b>PCW</b>	9-Jun-2011				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Greenwood Ventures, Inc. and Patricia Williams
<b>Reg. Ent. Ref. No.</b>	RN102689213
<b>Facility/Site Region</b>	7-Midland
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	41935	<b>No. of Violations</b>	3
<b>Docket No.</b>	2011-1073-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Andrea Linson
		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$4,500</b>
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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.

<b>Compliance History</b>	117.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$5,265</b>
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Notes: Enhancement for 17 NOVs with same/similar violations, 6 NOVs with dissimilar violations, and one final agreed order containing a denial of liability.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondents does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	<b>\$0</b>
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts: \$1,336  
 Approx. Cost of Compliance: \$2,788  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$9,765</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	12.0%	<b>Adjustment</b>	<b>\$1,173</b>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement for the recovery of avoided costs associated with Violation Nos. 1 and 3.

<b>Final Penalty Amount</b>	<b>\$10,938</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$10,938</b>
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

<b>PAYABLE PENALTY</b>	<b>\$10,938</b>
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**Screening Date** 8-Jun-2011

**Docket No.** 2011-1073-PWS-E

**PCW**

**Respondent** Greenwood Ventures, Inc. and Patricia Williams

Policy Revision 2 (September 2002)

**Case ID No.** 41935

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN102689213

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Andrea Linson

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	17	85%
	Other written NOVs	6	12%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 117%

#### >> 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 for 17 NOVs with same/similar violations, 6 NOVs with dissimilar violations, and one final agreed order containing a denial of liability.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 117%

Screening Date 8-Jun-2011

Docket No. 2011-1073-PWS-E

PCW

Respondent Greenwood Ventures, Inc. and Patricia Williams

Policy Revision 2 (September 2002)

Case ID No. 41935

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102689213

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3)

Violation Description

Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director ("ED") each quarter by the tenth day of the month following the end of each quarter. Specifically, at the time of the record review, it was documented that the Respondent did not submit DLQORs for the first, second, third and fourth quarters of 2006, 2007, 2008, and the first, second and third quarters of 2009 and the second, third and fourth quarters of 2010.

Base Penalty \$1,000

>> 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 rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 18 1644 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$1,800

Eighteen quarterly events are recommended, based on the quarters the DLQORs were not submitted.

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 Respondents does not meet the good faith criteria for this violation.

Violation Subtotal \$1,800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,020

Violation Final Penalty Total \$4,375

This violation Final Assessed Penalty (adjusted for limits) \$4,375

## Economic Benefit Worksheet

**Respondent** Greenwood Ventures, Inc. and Patricia Williams  
**Case ID No.** 41935  
**Req. Ent. Reference No.** RN102689213  
**Media** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	10-Apr-2006	31-Jan-2012	5.81	\$73	n/a	\$73

Notes for DELAYED costs

The estimated delayed cost to update the Facility's operational guidance and conduct employee training to ensure that DLQORs are submitted timely, calculated from the date the first report was due 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]	\$738	10-Apr-2006	10-Jan-2011	5.67	\$209	\$738	\$947
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to ensure that DLQORs are completed and submitted to the Commission, calculated from the last day that the report was due for the first quarter of 2006 to the last day the report was due for the fourth quarter of 2010.

Approx. Cost of Compliance

\$988

**TOTAL**

\$1,020

Screening Date 8-Jun-2011

Docket No. 2011-1073-PWS-E

PCW

Respondent Greenwood Ventures, Inc. and Patricia Williams

Policy Revision 2 (September 2002)

Case ID No. 41935

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102689213

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code §§ 290.106(e), and 290.108(e)

Violation Description

Failed to report the quarterly results for inorganic and radiation contaminant levels to the ED. Specifically, at the time of the record review, it was documented that the Respondent did not submit the result levels for the following contaminants for the indicated reporting periods: radionuclide levels for the third and fourth quarters of 2010; combined uranium levels for the fourth quarter of 2008 through the second quarter of 2010; arsenic and nitrate levels for the second quarter of 2009 through the fourth quarter of 2010.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 23

2184 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,300

Twenty-Three quarterly events are recommended, based on the quarters the required reports were not submitted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes The Respondents does not meet the good faith criteria for this violation.

Violation Subtotal \$2,300

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$82

Violation Final Penalty Total \$5,591

This violation Final Assessed Penalty (adjusted for limits) \$5,591

## Economic Benefit Worksheet

**Respondent** Greenwood Ventures, Inc. and Patricia Williams  
**Case ID No.** 41935  
**Req. Ent. Reference No.** RN102689213  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,500	20-May-2011	29-Feb-2012	0.78	\$4	\$78	\$82
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 cost includes the estimated amount of the outstanding laboratory costs that must be paid in order to release the monitoring results, calculated from the record review date 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

\$1,500

**TOTAL**

\$82

Screening Date 8-Jun-2011

Docket No. 2011-1073-PWS-E

PCW

Respondent Greenwood Ventures, Inc. and Patricia Williams

Policy Revision 2 (September 2002)

Case ID No. 41935

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102689213

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and Tex. Health & Safety Code § 341.033(d)

Violation Description

Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample for the following months: May and December 2009, April 2010 and February 2011.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 4

141 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$400

Four monthly events are recommended, based on the months sampling was not conducted.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

Notes

The Respondents does not meet the good faith criteria for this violation.

Violation Subtotal \$400

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$234

Violation Final Penalty Total \$972

This violation Final Assessed Penalty (adjusted for limits) \$972

## Economic Benefit Worksheet

**Respondent** Greenwood Ventures, Inc. and Patricia Williams  
**Case ID No.** 41935  
**Req. Ent. Reference No.** RN102689213  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	20-May-2011	31-May-2012	1.03	\$0	\$7	\$7
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 cost includes the estimated amount to implement training on procedures necessary to ensure that all public notifications are provided in a timely manner to the customers of the Facility, calculated from the date of the file review 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]	\$100	31-May-2009	28-Feb-2011	2.67	\$13	\$100	\$113
Other (as needed)	\$100	31-Aug-2009	31-May-2011	2.67	\$13	\$100	\$113

Notes for AVOIDED costs

The avoided costs include the estimated amounts necessary (\$25 x 4 samples + \$25 x 4 public notice) to conduct routine coliform sampling and provide public notification of the failure to collect the sample, calculated for the months in which no samples were collected and during the period that a public notice was required.

Approx. Cost of Compliance

\$300

**TOTAL**

\$234

# Compliance History

Customer/Respondent/Owner-Operator:	CN600666028	Greenwood Ventures, Inc.	Classification:	Rating:
Regulated Entity:	RN102689213	GREENWOOD VENTURES	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	1650006
	WATER LICENSING		LICENSE	1650006
Location:	10706 FARM-TO-MARKET ROAD 307, MIDLAND COUNTY, TX			
TCEQ Region:	REGION 07 - MIDLAND			
Date Compliance History Prepared:	June 07, 2011			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 06, 2006 to June 06, 2011			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Andrea Linson	Phone:	512-239-1482	

## 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/operator of the site during the compliance period? | Yes                      |
| 3. If Yes, who is the current owner/operator?  | Greenwood Ventures, Inc. |
| 4. If Yes, who was/were the prior owner(s)/operator(s)?  | Patricia Williams        |
| 5. When did the change(s) in owner or operator occur?  | 01/30/2007               |

### Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

**Effective Date: 02/08/2009**

**ADMINORDER 2008-1213-PWS-E**

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter H 290.271(b)  
 30 TAC Chapter 290, SubChapter H 290.274(a)  
 30 TAC Chapter 290, SubChapter H 290.274(c)

Description: Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year.

- 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	07/31/2007	(543439)		18	07/23/2010	(842407)
2	07/21/2006	(564638)		19	05/20/2011	(921726)
3	11/03/2006	(564960)		20	05/27/2011	(922126)
4	03/01/2007	(565079)		21	05/26/2011	(922344)
5	07/16/2007	(567159)		22	05/25/2011	(922349)
6	07/14/2008	(682027)		23	05/26/2011	(922354)
7	10/14/2008	(705563)		24	05/26/2011	(922359)
8	10/14/2008	(705969)		25	05/26/2011	(922362)
9	10/22/2008	(706180)		26	05/26/2011	(922482)
10	04/30/2009	(764927)		27	05/26/2011	(922483)
11	08/21/2009	(766357)		28	05/26/2011	(922491)
12	11/06/2009	(781652)		29	05/26/2011	(922492)
13	02/18/2010	(790661)		30	05/26/2011	(922497)
14	07/19/2010	(841906)		31	05/26/2011	(922500)
15	07/21/2010	(842050)		32	05/26/2011	(922702)
16	07/21/2010	(842330)		33	05/26/2011	(922703)
17	07/21/2010	(842348)				

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

1. **Date: 07/19/2006 (564638) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Arsenic in the second quarter of 2006.
  
2. **Date: 11/03/2006 (564960) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
 5A THC Chapter 341, SubChapter A 341.0315(c)  
 Description: Violated the maximum contaminant level for Arsenic in the third quarter of 2006.

3. **Date: 03/01/2007 (565079) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(3)(C)  
5A THC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for Arsenic in the fourth quarter of 2006.
4. **Date: 10/14/2008 (705563) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(C)  
30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for uranium during the first quarter of 2008.
5. **Date: 10/14/2008 (705969) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(C)  
30 TAC Chapter 290, SubChapter F 290.108(f)(1)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: Violated the maximum contaminant level for uranium during the second quarter of 2008.
6. **Date: 03/27/2009 (922362) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the quarterly monitoring period from 10/01/2008 to 12/31/2008. This system also failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the first, second and third quarters of 2008 and the first, second, third and fourth quarters of 2007 and 2006 but notices of violation were not sent.
7. **Date: 04/30/2009 (764927) CN600666028**  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter F 290.106(f)(2)  
5A THSC Chapter 341, SubChapter A 341.0315(c)  
Description: This water system exceeded the MCL of 10 mg/L for nitrate (as nitrogen).
8. **Date: 07/14/2009 (841906) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)  
Description: TCR Routine Monitoring Violation 05/2009 - Failure to collect any routine monitoring sample(s).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
Description: TCR PN Routine Monitoring Violation 05/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).
9. **Date: 07/21/2009 (922359) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the quarterly monitoring period from 01/01/2009 to 03/31/2009.
10. **Date: 10/01/2009 (922349) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
Description: This system failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the quarterly monitoring period from 04/01/2009 to 06/30/2009.
11. **Date: 01/26/2010 (842050) CN600666028**  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)  
Description: TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

12. **Date: 06/10/2010 (842348) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)  
 Description: TCR Routine Monitoring Violation 04/2010 - Failure to collect any routine monitoring sample(s).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 Description: TCR PN Routine Monitoring Violation 04/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).
13. **Date: 03/31/2011 (921726) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)  
 Description: TCR PN Routine Monitoring Violation 02/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).
14. **Date: 05/26/2011 (922497) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: This system failed to monitor and/or failed to report combined uranium levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.
15. **Date: 05/26/2011 (922703) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
16. **Date: 05/26/2011 (922482) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
17. **Date: 05/26/2011 (922354) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)  
 Description: This system failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
18. **Date: 05/26/2011 (922483) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(6)  
 30 TAC Chapter 290, SubChapter F 290.106(e)  
 Description: This system failed to monitor and/or failed to report nitrate levels to the TCEQ for the third quarter of 2010. This system also failed to monitor and/or failed to report nitrate levels to the TCEQ for the first and second quarters of 2010 and the second, third, and fourth quarter of 2009, but notices of violation were not sent.
19. **Date: 05/26/2011 (922500) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
 30 TAC Chapter 290, SubChapter F 290.108(f)(4)  
 Description: This system failed to monitor and/or failed to report combined uranium levels to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010. This system also failed to monitor and/or failed to report combined uranium levels to the TCEQ for the first, second, third and fourth quarters of 2009 and the fourth quarter of 2008 but notices of violation were not sent.
20. **Date: 05/26/2011 (922344) CN600666028**  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(f)(2)  
 30 TAC Chapter 290, SubChapter F 290.110(f)(3)

Description: This system failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010. This system also failed to monitor and/or failed to report disinfectant levels in the distribution system to the TCEQ for the second quarter of 2010 and the third quarter of 2009 but notices of violation were not sent.

21. **Date: 05/26/2011 (922491) CN600666028**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)  
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report arsenic levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

22. **Date: 05/26/2011 (922492) CN600666028**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.106(c)(4)  
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: This system failed to monitor and/or failed to report arsenic levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010. This system also failed to monitor and/or failed to report arsenic levels to the TCEQ for the first and second quarters of 2010 and the second, third and fourth quarters of 2009 but notices of violation were not sent.

23. **Date: 05/26/2011 (922702) CN600666028**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(f)(3)  
30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: This system failed to monitor and/or failed to report radionuclide levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.

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  
GREENWOOD VENTURES, INC.  
DBA GREENWOOD VENTURES  
AND PATRICIA WILLIAMS DBA  
GREENWOOD VENTURES;  
RN102689213**

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**BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2011-1073-PWS-E**

At its \_\_\_\_\_ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondents. The respondents made the subject of this Order are Greenwood Ventures, Inc. dba Greenwood Ventures ("Greenwood Ventures") and Patricia Williams dba Greenwood Ventures ("Mrs. Williams") (collectively "Respondents").

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

### **FINDINGS OF FACT**

1. Respondents own and operate a public water system located at 10706 Farm-to-Market Road 307 in Midland, Midland County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 24 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During a record review conducted on May 20, 2011, a TCEQ Central Office investigator documented that Respondents:
  - a. Failed to submit a Disinfectant Level Quarterly Operating Report (DLQOR) by the tenth day of the month following the end of each quarter. Specifically, Respondents did not timely submit DLQORs for the first, second, third and fourth quarters of 2006, 2007, and 2008; the first, second and third quarters of 2009; and the second, third, and fourth quarters of 2010;
  - b. Failed to report the quarterly results for inorganic and radiation contaminant levels to the Executive Director. Specifically, Respondents did not submit the result levels for the following contaminants for the indicated reporting periods:
    - i. Radionuclide levels for the third and fourth quarters of 2010;
    - ii. Combined uranium levels for the fourth quarter of 2008 through the second quarter of 2010; and

- iii. Arsenic and nitrate levels for the second quarter of 2009 through the fourth quarter of 2010; and
  - c. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample for the following months: May and December 2009, April 2010, and February 2011.
3. Respondents received notice of the violations on or about June 1, 2011.
4. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greenwood Ventures, Inc. dba Greenwood Ventures and Patricia Williams dba Greenwood Ventures" (the "EDPRP") in the TCEQ Chief Clerk's office on December 6, 2011.
5. By letters dated December 6, 2011, sent to each Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondents with notice of the EDPRP. According to the return receipt "green card," Greenwood Ventures received notice of the EDPRP on December 8, 2011, as evidenced by the signature on the card. According to the return receipt "green card," Mrs. Williams received notice of the EDPRP on December 8, 2011, as evidenced by the signature on the card.
6. More than 20 days have elapsed since each Respondent received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing.

#### **CONCLUSIONS OF LAW**

1. As evidenced by Finding of Fact No. 1, Respondents are 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 Finding of Fact No. 2.a, Respondents failed to submit a Disinfectant Level Quarterly Operating Report (DLQOR) by the tenth day of the month following the end of each quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3).
3. As evidenced by Finding of Fact No. 2.b, Respondents failed to report the quarterly results for inorganic and radiation contaminant levels to the ED, in violation of 30 TEX. ADMIN. CODE §§ 290.106(e) and 290.108(e).
4. As evidenced by Finding of Fact No. 2.c, Respondents failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to sample, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii) and 290.122(c)(2)(A), and TEX. HEALTH & SAFETY CODE § 341.033(d).
5. As evidenced by Findings of Fact Nos. 4 and 5, the Executive Director timely served each Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(a).

6. As evidenced by Finding of Fact No. 6, Respondents failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Respondent and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondents for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of ten thousand nine hundred thirty-eight dollars (\$10,938.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

#### **ORDERING PROVISIONS**

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

1. Respondents are assessed an administrative penalty in the amount of ten thousand nine hundred thirty-eight dollars (\$10,938.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Greenwood Ventures, Inc. dba Greenwood Ventures and Patricia Williams dba Greenwood Ventures; Docket No. 2011-1073-PWS-E" to:

Financial Administration Division, Revenues Section  
Texas Commission on Environmental Quality  
Attention: Cashier's Office, MC 214  
P.O. Box 13088  
Austin, Texas 78711-3088

3. Respondents shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Order, Respondents shall:
    - i. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly performed, including the timely submittal of signed and certified DLQORs, in accordance with 30 TEX. ADMIN. CODE § 290.110;

- ii. Implement procedures to ensure all necessary public notifications are provided in a timely manner to the customers of the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.122; and
  - iii. Begin complying with applicable coliform monitoring requirements by collecting routine coliform distribution samples and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109. This provision will be satisfied upon six consecutive months of compliant monitoring and reporting.
- b. Within 45 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.i. and 3.a.ii.
- c. Within 60 days after the effective date of this Order, Respondents shall:
- i. Ensure that all delinquent drinking water chemical reports are submitted to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.108; and
  - ii. Ensure that all future radionuclide, combined uranium, arsenic, and nitrate level reports are submitted each quarter to the Executive Director within 10 days of their request by the TCEQ or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE §§ 290.106 and 290.108.
- d. Within 75 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.c.i. and 3.c.ii.
- e. Within 90 days after the effective date of this Order, Respondents shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of each quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110. DLQORs shall be submitted to the following address:

Public Drinking Water Section, MC 155  
Attn: DLQOR Coordinator  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

This provision will be satisfied upon two quarters of compliant reporting.

- f. Within 195 days after the effective date of this Order, Respondents shall submit written certification in accordance with Ordering Provision No. 3.g., below, to demonstrate compliance with Ordering Provisions Nos. 3.a.iii. and 3.e.

- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall 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."

Respondents shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Public Drinking Water Section Manager  
Water Supply Division, MC 155  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

4. All relief not expressly granted in this Order is denied.
5. The provisions of this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
6. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondent if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Order.

8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF JENNIFER COOK**

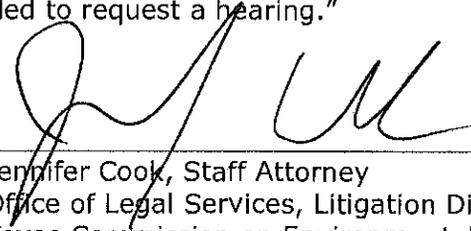
**STATE OF TEXAS**                    §  
   §  
**COUNTY OF TRAVIS**               §

"My name is Jennifer Cook. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Greenwood Ventures, Inc. dba Greenwood Ventures and Patricia Williams dba Greenwood Ventures" (the "EDPRP") was filed in the TCEQ Chief Clerk's office on December 6, 2011.

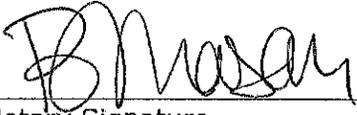
The EDPRP was mailed to each Respondent's last known address on December 6, 2011, via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green cards," each Respondent received notice of the EDPRP on December 8, 2011, as evidenced by the signatures on the cards.

More than 20 days have elapsed since Respondents received notice of the EDPRP. Respondents failed to file an answer and failed to request a hearing."

  
\_\_\_\_\_  
Jennifer Cook, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Jennifer Cook, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 31 day of January A.D. 2012.

  
\_\_\_\_\_  
Notary Signature

