EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 41935
Greenwood Ventures, Inc.
RN102689213
Docket No. 2013-2006-PWS-E

Order Type:
Findings Agreed Order

Findings Order Justification:
Indifference to legal duty based on violation of a previous order.

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:	$105 (Acct. No. 91650006)
Other:	None
Interested Third-Parties:	None

Texas Register Publication Date: January 30, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: $2,025

Total Paid to General Revenue: $225

Total Due to General Revenue: $1,800
Payment Plan: 9 payments of $200 each

SEP Conditional Offset: N/A

Compliance History Classifications:
Person/CN – Unclassified
Site/RN – Not Applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A

Date(s) of Investigation: September 23, 2013

Date(s) of NOV(s): See Compliance History - 7 related NOVs

Date(s) of NOE(s): October 9, 2013

Violation Information

1. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notification of the failure to conduct triggered source monitoring for the month of September 2012 [30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)].
2. Failed to provide public notifications regarding the exceedance of the maximum contaminant level for arsenic and uranium for the fourth quarter of 2012 and the first quarter of 2013 [30 TEX. ADMIN. CODE § 290.122(b)(2)(A)].
3. Failed to provide the results of quarterly nitrate and arsenic sampling to the Executive Director for the first quarter of 2013 [30 TEX. ADMIN. CODE § 290.106(e) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provisions Nos. 3.c.i. and 3.c.ii.].
4. Failed to provide public notifications regarding the failure to collect at least four repeat distribution coliform samples for the month of September 2012 and for the failure to collect at least five routine distribution coliform samples for the month of October 2012 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].
5. Failed to submit a disinfectant level quarterly operating report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter [30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provisions Nos. 3.a.i. and 3.e.].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Either:
   a. Within 10 days, submit documentation demonstrating that the Facility has less than 15 service connections and serves less than 25 individuals for fewer than 60 days out of the year and, thus, no longer meets the definition of a public water supply; and
   b. Within 45 days submit written certification to demonstrate compliance with Technical Requirement No. 1.a.
2. Or:
   a. Within 10 days, begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the distribution coliform-positive sample was collected and providing water that meets the provisions regarding microbial contaminants. This provision will be satisfied upon six months of compliant monitoring and reporting.
   b. Within 30 days:
      i. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established;
      ii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later;
      iii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, and provide public notifications for the failure to conduct triggered source monitoring, the exceedance of the maximum contaminant level for arsenic and uranium, the failure to collect at least four repeat distribution coliform samples, and the failure to collect at least five routine distribution coliform samples; and

iv. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs.

c. Within 45 days, submit written certification to demonstrate compliance with Technical Requirements Nos. 2.b.i. through 2.b.iv.

d. Within 90 days, begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter. This provision will be satisfied upon two consecutive quarters of compliant reporting.

e. Within 205 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.a.

f. Within 285 days, submit written certification to demonstrate compliance with Technical Requirement No. 2.d.

Litigation Information

Date Petition(s) Filed: January 31, 2014 (EDPRP) and April 3, 2014 (EDFARP)

Date Answer(s) Filed: N/A

Settlement Date: October 29, 2014

Contact Information

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

TCEQ Enforcement Coordinator: Lisa Westbrook, Enforcement Division, (512) 239-1160

TCEQ Regional Contact: Michael Edmiston, Midland Regional Office, (432) 620-6119

Respondent Contact: Patricia Williams, President and Director, Greenwood Ventures, Inc., 10706 FM 307, Midland, Texas 79706

Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) — *PCW Revision August 3, 2011*

DATES					
Assigned	14-Oct-2013				
PCW	25-Nov-2013	Screening	23-Oct-2013	EPA Due	30-Jun-2013

RESPONDENT/FACILITY INFORMATION

Respondent	Greenwood Ventures, Inc.		
Reg. Ent. Ref. No.	RN102689213		
Facility/Site Region	7-Midland	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	41935	No. of Violations	5
Docket No.	2013-2006-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lisa Westbrook
		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$850**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — **100.0%** Enhancement — *Subtotals 2, 3, & 7* **$850**

Notes: Enhancement for one agreed order with denial of liability, two default orders, seven NOVs with same/similar violations, and one NOV with dissimilar violations.

Culpability — No — **0.0%** Enhancement — *Subtotal 4* **$0**

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* **$0**

Economic Benefit — **0.0%** Enhancement* — *Subtotal 6* **$0**

Total EB Amounts: $367
Approx. Cost of Compliance: $670

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$1,700**

OTHER FACTORS AS JUSTICE MAY REQUIRE — **19.1%** — *Adjustment* **$325**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided costs of compliance for Violation Nos. 1, 2, 4 and 5.

Final Penalty Amount **$2,025**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$2,025**

DEFERRAL — **0.0%** Reduction — *Adjustment* **$0**

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 Orders.

PAYABLE PENALTY **$2,025**

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
Respondent	Greenwood Ventures, Inc.			*Policy Revision 3 (September 2011)*
Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

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 (*number of NOVs meeting criteria*)	7	35%
	Other written NOVs	1	2%
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	2	50%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 107%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Unclassified

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order with denial of liability, two default orders, seven NOVs with same/similar violations, and one NOV with dissimilar violations.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 107%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 100%

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
Respondent	Greenwood Ventures, Inc.			*Policy Revision 3 (September 2011)*
Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(4)(B) and 290.122(c)(2)(A)

Violation Description Failed to collect raw groundwater source Escherichia coli samples from all active sources within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notification of the failure to conduct triggered source monitoring for the month of September 2012.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	Actual			
	Potential	x		

Percent 15.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to collect raw groundwater source samples and provide public notification could result in persons served by the Facility being exposed to undetected contaminants which would exceed levels protective of human health.

Adjustment $850

$150

Violation Events

Number of Violation Events: 1 — 30 Number of violation days

mark only one with an x

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $150

One monthly event is recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $150

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

Economic Benefit (EB) for this violation

Estimated EB Amount $54

Statutory Limit Test

Violation Final Penalty Total $357

This violation Final Assessed Penalty (adjusted for limits) $357

Economic Benefit Worksheet

Respondent Greenwood Ventures, Inc.

Case ID No. 41935
Reg. Ent. Reference No. RN102689213
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	$100	23-Sep-2013	31-Mar-2014	0.52	$3	n/a	$3

Notes for DELAYED costs: The delayed cost includes the estimated amount to implement procedures to ensure that all necessary public notifications are provided in a timely manner. Date required is the record review date. Final date is 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]	$25	27-Sep-2012	28-Sep-2012	0.00	$0	$25	$25
Other (as needed)	$25	28-Sep-2012	29-Dec-2012	1.17	$1	$25	$26

Notes for AVOIDED costs: The avoided cost includes the estimated amount to conduct triggered source coliform sampling ($25 x 1 sample), calculated for the 24 hour period after the coliform-positive result. The other avoided cost includes the estimated amount to provide public notification ($25 x 1 notification), calculated for the period in which public notification was required.

Approx. Cost of Compliance $150

TOTAL $54

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
Respondent	Greenwood Ventures, Inc.			*Policy Revision 3 (September 2011)*
Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.122(b)(2)(A)

Violation Description Failed to provide public notifications regarding the exceedance of the maximum contaminant level for arsenic and uranium for the fourth quarter of 2012 and the first quarter of 2013. Specifically, the public notifications for arsenic and for uranium for the fourth quarter of 2012 were due by September 11, 2013 and for the first quarter of 2013, the public notification for arsenic was due by August 26, 2013 and the public notification for uranium was due by September 2, 2013, but were not provided.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			
Potential			

OR

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $950

$50

Violation Events

Number of Violation Events 4 | 181 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Four single events are recommended.

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 $200

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

Economic Benefit (EB) for this violation

Estimated EB Amount $106

Statutory Limit Test

Violation Final Penalty Total $476

This violation Final Assessed Penalty (adjusted for limits) $476

Economic Benefit Worksheet

Respondent Greenwood Ventures, Inc.
Case ID No. 41935
Reg. Ent. Reference No. RN102689213
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 to implement procedures to ensure that all necessary public notifications are provided in a timely manner are captured in the Economic Benefit for 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]	$100	28-May-2013	11-Sep-2013	1.21	$6	$100	$106
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to provide public notifications for the exceedances of the maximum contaminant level for arsenic ($25 x 2 notifications) and uranium ($25 x 2 notifications), calculated from the date when the first public notification was requested to the date when the last public notification was required.						

Approx. Cost of Compliance $100

TOTAL $106

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
Respondent	Greenwood Ventures, Inc.			*Policy Revision 3 (September 2011)*
Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.106(e) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provision Nos. 3.c.i. and 3.c.ii

Violation Description Failed to provide the results of quarterly nitrate and arsenic sampling to the Executive Director for the first quarter of 2013.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Harm: Moderate	Harm: Minor
OR	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $950

$50

Violation Events

Number of Violation Events: 2

496 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

Two quarterly events are recommended (one for each chemical).

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 $100

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

Economic Benefit (EB) for this violation

Estimated EB Amount $11

Statutory Limit Test

Violation Final Penalty Total $238

This violation Final Assessed Penalty (adjusted for limits) $238

Economic Benefit Worksheet

Respondent Greenwood Ventures, Inc.
Case ID No. 41935
Reg. Ent. Reference No. RN102689213
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$15	14-Jun-2012	31-Mar-2014	1.79	$0	$2	$2
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)	$100	14-Jun-2012	31-Mar-2014	1.79	$9	n/a	$9

Notes for DELAYED costs: The delayed cost includes the estimated amount to pay outstanding lab fees, rounded down ($8.49 for nitrate, $6.88 for arsenic) so that the lab will release all drinking water chemical analysis results. The date required is the effective date of the previous Docket No. 2011-1073-PWS-E and the final date is the estimated date of compliance. The other delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director, calculated from the effective date of the TCEQ Default Order Docket No. 2011-1073-PWS-E 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 $115

TOTAL $11

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
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Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.122(c)(2)(A)

Violation Description Failed to provide public notifications regarding the failure to collect at least four repeat distribution coliform samples for the month of September 2012 and regarding the failure to collect at least five routine distribution coliform samples for the month of October 2012.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			
	Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $950

$50

Violation Events

Number of Violation Events: 2 — 60 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

Two single events are recommended.

Good Faith Efforts to Comply

0.0% Reduction — $0

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

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

Violation Subtotal $100

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

Economic Benefit (EB) for this violation

Estimated EB Amount $62

Statutory Limit Test

Violation Final Penalty Total $238

This violation Final Assessed Penalty (adjusted for limits) $238

Economic Benefit Worksheet

Respondent Greenwood Ventures, Inc.
Case ID No. 41935
Reg. Ent. Reference No. RN102689213
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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 to implement procedures to ensure that all necessary public notifications are provided in a timely manner are captured in the Economic Benefit for 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]	$50	28-Sep-2012	31-Jan-2013	1.26	$3	$50	$53
Other (as needed)				0.00	$0	$0	$0

Notes for AVOIDED costs: The avoided cost includes the estimated amount to provide public notifications regarding the failure to collect at least four repeat distribution coliform samples and regarding the failure to collect at least five routine distribution coliform samples ($25 x 2 notifications), calculated for the period in which the public notifications were required.

Approx. Cost of Compliance $50

TOTAL $62

Screening Date	23-Oct-2013	**Docket No.**	2013-2006-PWS-E	**PCW**
Respondent	Greenwood Ventures, Inc.			*Policy Revision 3 (September 2011)*
Case ID No.	41935			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN102689213			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Lisa Westbrook			

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.110(e)(4)(A) and (f)(3) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provision Nos. 3.a.i. and 3.e.

Violation Description Failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, the Respondent failed to submit DLQORs from the second quarter of 2012 through the second quarter of 2013.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 5.0%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $950

$50

Violation Events

Number of Violation Events: 6 — 496 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $300

Six quarterly events are recommended, calculated from the effective date of TCEQ Default Order Docket No. 2011-1073-PWS-E, June 14, 2012, to the screening date, October 23, 2013.

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 $300

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

Economic Benefit (EB) for this violation

Estimated EB Amount $134

Statutory Limit Test

Violation Final Penalty Total $715

This violation Final Assessed Penalty (adjusted for limits) $715

Economic Benefit Worksheet

Respondent Greenwood Ventures, Inc.
Case ID No. 41935
Reg. Ent. Reference No. RN102689213
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	$45	14-Jun-2012	31-Mar-2014	1.79	$4	n/a	$4
Training/Sampling	$100	14-Jun-2012	31-Mar-2014	1.79	$9	n/a	$9
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 update the Facility's operational guidance and conduct employee training to ensure that all DLQORs are submitted to the TCEQ in a timely manner, calculated from the effective date of TCEQ Default Order Docket No. 2011-1073-PWS-E 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]	$110	10-Jul-2012	10-Jul-2013	1.92	$11	$110	$121
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided cost includes the estimated amount to prepare and submit DLQORs ($22 per report x 5 missed reports), calculated from the date the report was due for the second quarter of 2012 to the date the report was due for the second quarter of 2013.						

Approx. Cost of Compliance $255

TOTAL $134

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PENDING Compliance History Report for CN600666028, RN102689213, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

Customer, Respondent, or Owner/Operator: CN600666028, Greenwood Ventures, Inc. **Classification:** UNCLASSIFIED **Rating:** -----
Regulated Entity: RN102689213, GREENWOOD VENTURES **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 14 - Other
Location: 10706 Farm-to-Market 307, MIDLAND COUNTY, TEXAS
TCEQ Region: REGION 07 - MIDLAND
ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1650006
Compliance History Period: September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013
Date Compliance History Report Prepared: October 23, 2013
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: October 23, 2008 to October 23, 2013
TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Lisa Westbrook **Phone:** (512) 239-1160

Site and Owner/Operator History:

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? NO
3) If YES for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 02/08/2009 ADMINORDER 2008-1213-PWS-E (1660 Order-Agreed Order With Denial)
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.

2 Effective Date: 06/14/2012 ADMINORDER 2011-1073-PWS-E (Findings Order-Default)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
5A THSC Chapter 341, SubChapter A 341.033(d)
Description: TCR Routine Monitoring Violation 02/2011 - Failure to collect any routine monitoring sample(s).
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.
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.

3 Effective Date: 08/23/2013 ADMINORDER 2013-0281-PWS-E (Findings Order-Default)
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: CCR 2009 - The system did not deliver the annual Consumer Confidence Report (CCR) for 2009 to its bill-paying customers.
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: CCR 2009 - The system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2009 CCR year to the TCEQ.
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: CCR 2010 - The system did not deliver the annual Consumer Confidence Report (CCR) for 2010 to its bill-paying customers.
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: CCR 2010 - The system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2010 CCR year to the TCEQ.

Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 09/2012 - Failure to collect all repeats following a coliform found result.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 3Q2009 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 07/01/2009 to 09/30/2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 4Q2009 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 10/01/2009 to 12/31/2009.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 1Q2010 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 01/01/2010 to 03/31/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 2Q2010 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 04/01/2010 to 06/30/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 3Q2010 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 07/01/2010 to 09/30/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 4Q2010 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 10/01/2010 to 12/31/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: MIN MR 3Y2010 - The system failed to monitor and/or failed to report mineral levels to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR 6Y2010 - The system failed to monitor and/or failed to report volatile organic contaminants levels to the TCEQ for the 6 year monitoring period from 01/01/2005 to 12/31/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(e)
Description: DBP MR 3Y2010 - This system failed to monitor and/or failed to report disinfectant byproduct levels in its distribution system to the TCEQ for the triennial monitoring period from 01/01/2008 to 12/31/2010.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
Description: NO3 PN 1Q2011 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a violation of the maximum contaminant level of nitrate during the first quarter of 2011.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(a)(2)
Description: NO3 PN 4Q2011 - The system failed to submit a Public Notice to its customers and/or failed to certify the delivery of a Public Notice to the TCEQ for a violation of the maximum contaminant level of nitrate during the fourth quarter of 2011.
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: CCR 2011 - The system did not deliver the annual Consumer Confidence Report (CCR) for 2011 to its bill-paying customers.
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: CCR 2011 - The system failed to deliver a copy and certification of delivery of the annual Consumer Confidence Report (CCR) for the 2011 CCR year to the TCEQ.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 1Q2012 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 01/01/2012 to 03/31/2012.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 2Q2012 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 04/01/2012 to 06/30/2012.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.106(e)
Description: SELENIUM MR 3Q2012 - The system failed to monitor and/or failed to report selenium levels to the TCEQ for the quarterly monitoring period from 07/01/2012 to 09/30/2012.

Classification: Minor
Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter E 290.51(a)(6)
Description: Failed to pay all annual Public Health Service Fees and associated last fees for TCEQ Financial Administration Account No. 91650006 for Fiscal year 2013.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1	November 06, 2009	(781652)
Item 2	August 16, 2011	(949066)
Item 3	December 07, 2012	(1050839)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 12/06/2012 (1051776) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
Description: TCR Repeat Monitoring Violation 09/2012 - Failure to collect all repeats following a coliform found result.

2 Date: 01/09/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(4)(B)
30 TAC Chapter 290, SubChapter F 290.109(e)
Description: GWR Triggered Source MR Violation 09/2012 - Failure to collect and/or report any triggered source monitoring sample following a coliform found result for 1 source within the required timeline.

3 Date: 01/29/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: SEPT/2012 TCR Repeat MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct repeat coliform monitoring for the month of 09/2012.

4 Date: 02/21/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: OCT/2012 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 10/2012.

5 Date: 04/25/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: SEPT/2012 GWR Triggered Source Monitoring PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct triggered source monitoring for the month of 09/2012.

6 Date: 09/04/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: ARS MCL PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for arsenic during the 1st quarter of 2013.

7 Date: 09/10/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: UR MCL PN 1Q2013 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for combined uranium during the 1st quarter of 2013.

8 Date: 09/18/2013 (1122751) CN600666028
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: UR MCL PN 4Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for combined uranium during the 4th quarter of 2012.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: ARS MCL PN 4Q2012 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a violation of the maximum contaminant level for arsenic during the 4th quarter of 2012.

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

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING GREENWOOD VENTURES, INC.; RN102689213	**§ § § § §**	**BEFORE THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-2006-PWS-E

At its _____agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding Greenwood Ventures, Inc. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, the right to an evidentiary hearing, notice of an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 Respondent.

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

FINDINGS OF FACT

1. Respondent owns and operates 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 September 23, 2013, a TCEQ Midland Regional Office investigator documented that Respondent:

   a. Failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notification of the failure to conduct triggered source monitoring for the month of September 2012;

   b. Failed to provide public notifications regarding the exceedance of the maximum contaminant level for arsenic and uranium for the fourth quarter of 2012 and the first quarter of 2013. Specifically, the public notifications for arsenic and for uranium for the fourth quarter of 2012 were due by September 11, 2013, and for the first quarter of 2013 the public notification for arsenic was due by August 26, 2013, and the public notification for uranium was due by September 2, 2013, but notifications were not provided;

c. Failed to provide the results of quarterly nitrate and arsenic sampling to the Executive Director for the first quarter of 2013;

d. Failed to provide public notifications regarding the failure to collect at least four repeat distribution coliform samples for the month of September 2012 and for the failure to collect at least five routine distribution coliform samples for the month of October 2012; and

e. Failed to submit a Disinfectant Level Quarterly Operating Report ("DLQOR") to the Executive Director each quarter by the tenth day of the month following the end of the quarter. Specifically, Respondent failed to submit DLQORs from the second quarter of 2012 through the second quarter of 2013.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ.

2. As evidenced by Finding of Fact No. 2.a., Respondent failed to collect raw groundwater source *Escherichia coli* samples from all active sources within 24 hours of notification of a distribution total coliform-positive sample and failed to provide public notification of the failure to conduct triggered source monitoring, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(4)(B) and 290.122(c)(2)(A).

3. As evidenced by Finding of Fact No. 2.b., Respondent failed to provide public notifications regarding exceedances of the maximum contaminant level for arsenic and uranium, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(A).

4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide the results of quarterly nitrate and arsenic sampling to the Executive Director, in violation of 30 TEX. ADMIN. CODE § 290.106(e) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provisions Nos. 3.c.i. and 3.c.ii.

5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide public notifications regarding the failure to collect samples, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).

6. As evidenced by Finding of Fact No. 2.e., Respondent failed to submit a DLQOR to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in violation of 30 TEX. ADMIN. CODE § 290.110(e)(4)(A) and (f)(3) and TCEQ Default Order Docket No. 2011-1073-PWS-E, Ordering Provisions Nos. 3.a.i. and 3.e.

7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ'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 two thousand twenty-five dollars ($2,025.00) 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. Respondent paid two hundred twenty-five dollars ($225.00) of the administrative penalty. The remaining amount of one thousand eight hundred dollars ($1,800.00) of the administrative penalty shall be payable in nine (9) monthly payments of two hundred dollars ($200.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his

option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, 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 Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: Greenwood Ventures, Inc., Docket No. 2013-2006-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

2. Respondent shall undertake the following technical requirements:

   a. Either:

      i. Within 10 days after the effective date of this Agreed Order, Respondent shall submit documentation demonstrating that the Facility has less than 15 service connections and serves less than 25 individuals for fewer than 60 days out of the year and, thus, no longer meets the definition of a public water supply. The documentation shall be submitted to:

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

         and:

         Michael Edmiston, Water Section Manager
         Midland Regional Office
         Texas Commission on Environmental Quality
         9900 West IH-20, Ste. 100
         Midland, Texas 79706

      ii. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification in accordance with Ordering Provision No. 2.c., below, to demonstrate compliance with Ordering Provision No. 2.a.i.

   b. Or:

      i. Within 10 days after the effective date of this Agreed Order, Respondent shall begin complying with applicable coliform monitoring requirements by collecting one raw groundwater source *Escherichia coli* sample from each groundwater source in use at the distribution coliform-positive sample was

collected and providing water that meets the provisions regarding microbial contaminants, in accordance with 30 TEX. ADMIN. CODE § 290.109 (Conclusion of Law No. 2). This provision will be satisfied upon six months of compliant monitoring and reporting;

ii. Within 30 days after the effective date of this Agreed Order, Respondent shall:

A. Ensure that all delinquent drinking water chemical analysis results are reported to the Executive Director or demonstrate that a compliance schedule has been established, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants) (Conclusion of Law No. 4);

B. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results are released by the Facility's laboratories and reported to the Executive Director within ten days of Executive Director request or of their receipt by the Facility, whichever is later, in accordance with 30 TEX. ADMIN. CODE § 290.106 (Inorganic Contaminants) (Conclusion of Law No. 4);

C. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility, and provide public notifications for the failure to conduct triggered source monitoring for the month of September 2012, for the exceedance of the maximum contaminant level for arsenic and uranium for the fourth quarter of 2012 and the first quarter of 2013, for the failure to collect at least four repeat distribution coliform samples for the month of September 2012, and for the failure to collect at least five routine distribution coliform samples for the month of October 2012, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusions of Law Nos. 2, 3, and 15); and

D. Update the Facility's operational guidance and conduct employee training to ensure that self-reporting requirements are properly accomplished, including the timely submission of signed and certified DLQORs, as required by 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 6);

iii. Within 45 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.c., below, to demonstrate compliance with Ordering Provisions Nos. 2.b.ii.A. through 2.b.ii.D.;

iv. Within 90 days after the effective date of this Agreed Order, Respondent shall begin submitting DLQORs to the Executive Director each quarter by the tenth day of the month following the end of the quarter, in accordance with 30 TEX. ADMIN. CODE § 290.110 (Conclusion of Law No. 6). This provision will be satisfied upon two consecutive quarters of compliant reporting. DLQORs shall be submitted to:

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

v. Within 205 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.c., below, to demonstrate compliance with Ordering Provision No. 2.b.i.; and

vi. Within 285 days after the effective date of this Agreed Order, Respondent shall submit written certification, in accordance with Ordering Provision No. 2.c., below, to demonstrate compliance with Ordering Provision No. 2.b.iv.

c. 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."

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

3. All relief not expressly granted in this Agreed Order is denied.

4. The provisions of this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

5. 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 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. Extension requests shall be sent to the Order Compliance Team at the address listed in Ordering Provision No. 2.c.

6. This Agreed Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of

the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute.

7. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.

9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.

10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ January 30, 2015
For the Executive Director Date

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

I also understand that failure to comply with the Ordering Provisions in this Agreed 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

_____ 10-29-14
Signature - Patricia Williams, President Date
Greenwood Ventures, Inc.

My business was closed on July 31, 2014 — All connections were cut and capped by 8-10-14 the PWS system is now inactive.