

**Executive Summary – Enforcement Matter – Case No. 48211**  
**COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC.**  
**RN101198976**  
**Docket No. 2014-0168-PWS-E**

**Order Type:**

Findings Agreed Order

**Findings Order Justification:**

Three or more enforcement actions (NOVs, orders, etc.) over the prior five year period for the same violation(s).

**Media:**

PWS

**Small Business:**

No

**Location(s) Where Violation(s) Occurred:**

Country Place Northwest, 2850 Wickford, Brenham, Washington County

**Type of Operation:**

Public water supply

**Other Significant Matters:**

Additional Pending Enforcement Actions: No

Past-Due Penalties: No

Other: N/A

Interested Third-Parties: None

**Texas Register Publication Date:** June 27, 2014

**Comments Received:** No

***Penalty Information***

**Total Penalty Assessed:** \$969

**Amount Deferred for Expedited Settlement:** \$0

**Amount Deferred for Financial Inability to Pay:** \$0

**Total Paid to General Revenue:** \$969

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

Payment Plan: N/A

**SEP Conditional Offset:** \$0

Name of SEP: N/A

**Compliance History Classifications:**

Person/CN - N/A

Site/RN - N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2011

***Investigation Information***

**Complaint Date(s):** N/A

**Complaint Information:** N/A

**Date(s) of Investigation:** December 16, 2013

**Date(s) of NOE(s):** January 24, 2014

**Executive Summary – Enforcement Matter – Case No. 48211**  
**COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC.**  
**RN101198976**  
**Docket No. 2014-0168-PWS-E**

***Violation Information***

1. 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 to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].
2. Failed to provide public notification regarding the exceedance of the maximum contaminant level for combined radium-226 and radium-228, and gross alpha particle activity for the fourth quarter of 2011, all four quarters of 2012, and the first and second quarters of 2013 [30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

N/A

**Technical Requirements:**

The Order will require the Respondent to:

- a. Within 30 days:
  - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers; and
  - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the Commission.
- b. Within 45 days:
  - i. Submit written certification to demonstrate compliance with Ordering Provision a.; and
  - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data.
- c. Within 60 days, submit written certification to demonstrate compliance with Ordering Provision b.ii.

**Executive Summary – Enforcement Matter – Case No. 48211  
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***Litigation Information***

**Date Petition(s) Filed:** N/A  
**Date Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):** N/A  
**Settlement Date:** N/A

***Contact Information***

**TCEQ Attorney:** N/A  
**TCEQ Enforcement Coordinator:** Mike Pace, Enforcement Division, Enforcement Team 6, MC R-04, (817) 588-5933; Candy Garrett, Enforcement Division, MC 219, (512) 239-1456  
**TCEQ SEP Coordinator:** N/A  
**Respondent:** Ralph Wittner, Secretary/Treasurer, COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC., P.O. Box 1835, Brenham, Texas 77834  
Stephen Miller, President, COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC., P.O. Box 1835, Brenham, Texas 77834  
**Respondent's Attorney:** N/A





# Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011)

PCW Revision August 3, 2011

## TCEQ DATES

Assigned	27-Jan-2014	Screening	30-Jan-2014	EPA Due	31-Mar-2014
PCW	30-Jan-2014				

## RESPONDENT/FACILITY INFORMATION

Respondent	COUNTRY PLACE NORTHWEST HOME OWNERS' ASSOCIATION, INC.		
Reg. Ent. Ref. No.	RN101198976		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	48211	No. of Violations	2
Docket No.	2014-0168-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Mike Pace
		EC's Team	Enforcement Team 6
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

## Penalty Calculation Section

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

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

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

**Compliance History**  Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability**   Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply Total Adjustments** **Subtotal 5**

**Economic Benefit**  Enhancement\* **Subtotal 6**

Total EB Amounts	\$387	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$440	

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

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

Notes

**PAYABLE PENALTY**

**Screening Date** 30-Jan-2014

**Docket No.** 2014-0168-PWS-E

**PCW**

COUNTRY PLACE\NORTHWEST HOME OWNERS'

**Respondent** ASSOCIATION, INC.

Policy Revision 3 (September 2011)

**Case ID No.** 48211

PCW Revision August 3, 2011

**Reg. Ent. Reference No.** RN101198976

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Mike Pace

### 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> )	6	30%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <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)** 30%

>> **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 six NOVs with same/similar violations.

**Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7)** 30%

>> **Final Compliance History Adjustment**

**Final Adjustment Percentage \*capped at 100%** 30%

Screening Date 30-Jan-2014

Docket No. 2014-0168-PWS-E

PCW

COUNTRY PLACE/NORTHWEST HOME OWNERS'

Respondent ASSOCIATION, INC.

Policy Revision 3 (September 2011)

Case ID No. 48211

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198976

Media [Statute] Public Water Supply

Enf. Coordinator Mike Pace

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation 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 to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data. Specifically, the Respondent did not mail or directly deliver the CCRs to the Facility's customers for 2011 and 2012, nor did the Respondent submit the CCRs or the required certification to the TCEQ for 2011 and 2012.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0.0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
	x			5.0%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 Number of violation days 730

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

	Reduction	
	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

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$186

Violation Final Penalty Total \$215

This violation Final Assessed Penalty (adjusted for limits) \$215

## Economic Benefit Worksheet

**Respondent** COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC.  
**Case ID No.** 48211  
**Reg. Ent. Reference No.** RN101198976  
**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
<i>No commas or \$</i>							

### Delayed Costs

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

Notes for DELAYED costs

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)	\$165	1-Jul-2012	30-Jan-2014	2.50	\$21	\$165	\$186

Notes for AVOIDED costs

The avoided cost includes the estimated amount to prepare and mail or directly deliver the 2011 and 2012 CCRs to the customers of the Facility and to the TCEQ [(\$0.50 x 65 connections + \$50) x 2 years], calculated from the due date of the 2011 CCR to the screening date.

Approx. Cost of Compliance

\$165

**TOTAL**

\$186

Screening Date 30-Jan-2014

Docket No. 2014-0168-PWS-E

PCW

Respondent COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION,

Policy Revision 3 (September 2011)

Case ID No. 48211

PCW Revision August 3, 2011

Reg. Ent. Reference No. RN101198976

Media [Statute] Public Water Supply

Enf. Coordinator Mike Pace

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 290.122(b)(3)(A) and (f)

Violation Description

Failed to provide public notification regarding the exceedance of the maximum contaminant level for combined radium-226 and radium-228, and gross alpha particle activity for the fourth quarter of 2011, all four quarters of 2012, and the first and second quarters of 2013. Specifically, public notification was required by June 26, 2012, August 2, 2012, November 19, 2012, March 21, 2013, April 29, 2013, September 2, 2013, and November 26, 2013 but was not provided.

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 7

547 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$350

Seven single events (one event for each notice) are recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

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

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

Violation Subtotal \$350

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$202

Violation Final Penalty Total \$754

This violation Final Assessed Penalty (adjusted for limits) \$754

## Economic Benefit Worksheet

**Respondent** COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC.  
**Case ID No.** 48211  
**Reg. Ent. Reference No.** RN101198976  
**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)				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	\$100	16-Dec-2013	4-Sep-2014	0.72	\$4	n/a	\$4
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 necessary public notifications are provided in a timely manner, 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)	\$175	6-Mar-2012	26-Nov-2013	2.64	\$23	\$175	\$198

**Notes for AVOIDED costs**

The avoided cost includes the estimated amount to timely prepare and submit the required public notice (\$25 x 7 notifications), calculated from the date the first notice was requested to the date the last note was required.

**Approx. Cost of Compliance**

\$275

**TOTAL**

\$202

The TCEQ is committed to accessibility.

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# TCEQ Compliance History Report

**PUBLISHED** Compliance History Report for CN600644140, RN101198976, Rating Year 2013 which includes Compliance History (CH) components from September 1, 2008, through August 31, 2013.

**Customer, Respondent, or Owner/Operator:** CN600644140, COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC. **Classification:** NOT APPLICABLE **Rating:** N/A  
**Regulated Entity:** RN101198976, Country Place Northwest **Classification:** NOT APPLICABLE **Rating:** N/A  
**Complexity Points:** N/A **Repeat Violator:** N/A  
**CH Group:** 14 - Other  
**Location:** 2850 WICKFORD, BRENHAM, TX, WASHINGTON COUNTY  
**TCEQ Region:** REGION 09 - WACO

**ID Number(s):** PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2390049

**Compliance History Period:** September 01, 2008 to August 31, 2013 **Rating Year:** 2013 **Rating Date:** 09/01/2013

**Date Compliance History Report Prepared:** January 27, 2014

**Agency Decision Requiring Compliance History:** Enforcement

**Component Period Selected:** January 27, 2009 to January 27, 2014

**TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.**

**Name:** Mike Pace

**Phone:** (817) 588-5933

## 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:**

N/A

### **B. Criminal convictions:**

N/A

### **C. Chronic excessive emissions events:**

N/A

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

N/A

### **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: 03/05/2013 (1140121) CN600644140  
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: COMB RAD/ GA MCL PN 1Q2012 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 radium 226 and 228 and gross alpha during the 1st 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: COMB RAD/ GA MCL PN 2Q2012 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 radium 226 and 228 and gross alpha during the 2nd quarter of 2012.

2 Date: 04/30/2013 (1140121) CN600644140  
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: COMB RAD/ GA 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 radium 226 and 228 and gross alpha during the 4th quarter of 2012.

3 Date: 06/14/2013 (1140121) CN600644140  
Self Report? NO 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 provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

4 Date: 09/10/2013 (1140121) CN600644140  
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: COMB RAD/ GA 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 radium 226 and 228 and gross alpha during the 1st quarter of 2013.

5 Date: 11/14/2013 (1140121) CN600644140  
Self Report? NO 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 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

6 Date: 12/11/2013 (1140121) CN600644140  
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: COMB RAD/ GA MCL PN 2Q2013 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 radium 226 and 228 and gross alpha during the 2nd quarter of 2013.

**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

## Component Appendices

### Appendix A

#### All NOVs Issued During Component Period 1/27/2009 and 1/27/2014

- 1 Date: 05/15/2009 (749028) CN600644140  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.108(b)(1)(A)  
30 TAC Chapter 290, SubChapter F 290.108(b)(1)(B)  
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 gross alpha particle activity and combined radium 226 & 228 during the fourth quarter of 2008.
- 2 Date: 07/10/2009 (759317) CN600644140  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)  
Description: Failure to properly screen the well casing vent with sixteen-mesh or finer corrosion-resistant screening material.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide an overflow pipe flap valve assembly on the ground storage tank with a good mechanical seal when closed in order to prevent the possible entrance of insects or other contaminants into the water supply.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)  
Description: Failure to keep a thorough plant operations manual.
- 3 Date: 08/14/2009 (759317) CN600644140  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.
- 4 Date: 08/08/2012 (1007908) CN600644140  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(w)  
Description: Failure to maintain internal security procedures.  
Classification: Minor  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)  
Description: Failure to calibrate the manual residual disinfectant analyzer at least once every 30 days.
- 5\* Date: 12/14/2012 (1140121) CN600644140  
Classification: Moderate  
Self Report? NO For Informational Purposes Only  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
30 TAC Chapter 290, SubChapter F 290.122(f)  
Description: COMB RAD/ GA MCL PN 4Q2011 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 radium 226 and 228 and gross alpha during the 4th quarter of 2011.
- 6\* Date: 03/05/2013 (1140121) CN600644140

Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: COMB RAD/ GA MCL PN 1Q2012 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 radium 226 and 228 and gross alpha during the 1st quarter of 2012.

Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: COMB RAD/ GA MCL PN 2Q2012 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 radium 226 and 228 and gross alpha during the 2nd quarter of 2012.

7\* Date: 04/30/2013 (1140121) CN600644140  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: COMB RAD/ GA 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 radium 226 and 228 and gross alpha during the 4th quarter of 2012.

8\* Date: 06/14/2013 (1140121) CN600644140  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 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 provide the Consumer Confidence Report (CCR) for 2011 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

9 Date: 09/10/2013 (1140121) CN600644140  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: COMB RAD/ GA 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 radium 226 and 228 and gross alpha during the 1st quarter of 2013.

10 Date: 11/14/2013 (1140121) CN600644140  
 Classification: Moderate

Self Report? NO For Informational Purposes Only  
 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 2012 - The system failed to provide the Consumer Confidence Report (CCR) for 2012 to its bill-paying customers and/or the TCEQ by July 1st of the following year.

11 Date: 12/11/2013 (1140121) CN600644140

Self Report? NO For Informational Purposes Only  
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(3)(A)  
 30 TAC Chapter 290, SubChapter F 290.122(f)  
 Description: COMB RAD/ GA MCL PN 2Q2013 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 radium 226 and 228 and gross alpha during the 2nd quarter of 2013.

\* NOV's applicable for the Compliance History rating period 9/1/2008 to 8/31/2013

**Appendix B**

**All Investigations Conducted During Component Period January 27, 2009 and January 27, 2014**

		(749028)
Item 1	May 15, 2009**	For Informational Purposes Only
		(759848)
Item 2	June 26, 2009**	For Informational Purposes Only
		(759317)
Item 3	August 06, 2009**	For Informational Purposes Only
		(777639)
Item 4	October 28, 2009**	For Informational Purposes Only
		(1007908)
Item 5	August 01, 2012**	For Informational Purposes Only
		(1140121)
Item 6	January 15, 2014	For Informational Purposes Only
		(1144154)
Item 7	January 23, 2014	For Informational Purposes Only

\* No violations documented during this investigation

\*\*Investigation applicable for the Compliance History Rating period between 09/01/2008 and 08/31/2013.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>COUNTRY PLACE\NORTHWEST</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>HOME OWNERS'</b>	<b>§</b>	
<b>ASSOCIATION, INC.</b>	<b>§</b>	
<b>RN101198976</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

**AGREED ORDER**  
**DOCKET NO. 2014-0168-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC. ("Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

## I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 2850 Wickford in Brenham, Washington County, Texas (the "Facility") that has approximately 65 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on December 16, 2013, TCEQ staff documented that:
  - a. The Respondent did not mail or directly deliver the Consumer Confidence Report ("CCR") to the Facility's customers for 2011 and 2012, nor did the Respondent submit the CCRs or the required certification to the TCEQ for 2011 and 2012; and
  - b. The Respondent did not provide public notification regarding the exceedance of the maximum contaminant level for combined radium-226 and radium-228, and gross alpha particle activity for the fourth quarter of 2011, all four quarters of 2012, and the first and second quarters of 2013. Specifically, public notification was required by June 26, 2012, August 2, 2012, November 19, 2012, March 21, 2013, April 29, 2013, September 2, 2013, and November 26, 2013 but was not provided.
3. The Respondent received notice of the violations on February 3, 2014.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2.a., the Respondent failed to mail or directly deliver one copy of the CCR to each bill paying customer by July 1 of each year and failed to submit to the TCEQ by July 1 of each year a copy of the annual CCR and certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with compliance monitoring data, in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).
3. As evidenced by Findings of Fact No. 2.b., the Respondent failed to provide public notification regarding the exceedance of the maximum contaminant level for combined radium-226 and radium-228, and gross alpha particle activity for the fourth quarter of 2011, all four quarters of 2012, and the first and second quarters of 2013, in violation of 30 TEX. ADMIN. CODE § 290.122(b)(3)(A) and (f).
4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
5. An administrative penalty in the amount of Nine Hundred Sixty-Nine Dollars (\$969) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Nine Hundred Sixty-Nine Dollars (\$969) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Nine Hundred Sixty-Nine Dollars (\$969) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC., Docket No. 2014-0168-PWS-E" to:

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

2. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Mail or directly deliver one copy of the CCR prepared using the compliance monitoring data for the year 2013 to each bill paying customer and make good faith effort to deliver the CCR to non-bill paying customers, in accordance with 30 TEX. ADMIN. CODE § 290.274; and
    - ii. Implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the Facility with a copy to the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.122.
  - b. Within 45 days after the effective date of this Agreed Order:
    - i. Submit written certification as described below in Ordering Provision No. 2.c., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
    - ii. Submit to the Commission a copy of the CCR provided to customers of the Facility and the certification that the CCR has been distributed to the customers of the Facility and that the information in the CCR is correct and consistent with the compliance monitoring data, in accordance with 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and certification shall be mailed to:

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

- c. Within 60 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the

Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This Agreed Order may be executed in 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

Ramona Monica J  
For the Executive Director

9/5/14  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC. I am authorized to agree to the attached Agreed Order on behalf of COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC., and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

In addition, any falsification of any compliance documents may result in criminal prosecution.

Ralph Wittner  
Signature

5-8-2014  
Date

RALPH WITTNER  
Name (Printed or typed)  
Authorized Representative of  
COUNTRY PLACE\NORTHWEST HOME OWNERS' ASSOCIATION, INC.

SEC./TREAS.  
Title

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