

Executive Summary – Enforcement Matter – Case No. 50725
VADHWANI ENTERPRISES INC.
RN106241375
Docket No. 2020-1183-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:

Hancock Plaza I & II, 18200 Farm-to-Market Road 306, Canyon Lake, Comal 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: May 14, 2021

Comments Received: No

Penalty Information

Total Penalty Assessed: \$13,914

Total Paid to General Revenue: \$13,914

Total Due to General Revenue: \$0

Payment Plan: N/A

Compliance History Classifications:

Person/CN - High

Site/RN - N/A

Major Source: No

Statutory Limit Adjustment: N/A

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date(s): N/A

Complaint Information: N/A

Date(s) of Investigation: June 1, 2020 through July 7, 2020

Date(s) of NOE(s): September 1, 2020

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RN106241375
Docket No. 2020-1183-PWS-E

Violation Information

1. Failed to provide the Facility's three pressure tanks with an easily readable pressure gauge [30 TEX. ADMIN. CODE § 290.43(d)(2)].
2. Failed to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].
3. Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certify that they are operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)].
4. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)].
5. Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned [30 TEX. ADMIN. CODE § 290.46(n)(1)].
6. Failed to keep on file copies of well completion data, as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)].
7. Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request [30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), and (f)(3)(E)(iv)].
8. Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers [30 TEX. ADMIN. CODE § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2015-0950-PWS-E, Ordering Provision No. 2.e.iv].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

The Respondent has implemented the following corrective measures:

- a. On August 6, 2020, a photograph and invoice were submitted indicating that the well meter has been replaced.
- b. On August 12, 2020, a photograph and invoice were submitted indicating that all pressure tanks have been equipped with a pressure gauge.

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c. On September 23, 2020:

- i. Provided a locked, ventilated well house to protect the Facility's well; and
- ii. Provided copies of Customer Service Inspection reports.

Technical Requirements:

The Order will require the Respondent to:

a. Within 30 days:

i. Monitor the disinfectant residual at representative locations throughout the distribution system at sites designated in the Facility's monitoring plan at least once every seven day. This provision will be satisfied upon three months of compliant monitoring;

ii. Compile and maintain properly completed water works operation and maintenance records, including records of backflow prevention device programs; and

iii. Update the Facility's operational guidance and conduct employee training to ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certified that they are operating within specifications.

b. Within 45 days, submit written certification to demonstrate compliance with a.ii. and a.iii.

c. Within 60 days, ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certify that they are operating within specifications, including but not limited to the backflow prevention device at the carbonated soda dispenser.

d. Within 75 days, submit written certification to demonstrate compliance with c.

e. Within 90 days:

i. Compile and maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank; and

ii. Keep on file copies of well completion data for the well.

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RN106241375
Docket No. 2020-1183-PWS-E

- f. Within 105 days, submit written certification to demonstrate compliance with e.
- g. Within 135 days, submit written certification to demonstrate compliance with a.i.

Contact Information

TCEQ Attorney: N/A

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, Enforcement Team 8, MC R-14, (361) 825-3421; Michael Parrish, Enforcement Division, MC 219, (512) 239-2548

Respondent: Meenaz Vadhwani, Owner, VADHWANI ENTERPRISES INC., 2106 Old Sattler Road, Canyon Lake, Texas 78133

Respondent's Attorney: N/A



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	8-Sep-2020			
	PCW	10-Sep-2020	Screening	10-Sep-2020	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	VADHWANI ENTERPRISES INC. (PCW No.1)				
Reg. Ent. Ref. No.	RN106241375				
Facility/Site Region	13-San Antonio	Major/Minor Source	Minor		

CASE INFORMATION					
Enf./Case ID No.	50725	No. of Violations	1		
Docket No.	2020-1183-PWS-E	Order Type	Findings		
Media Program(s)	Public Water Supply	Government/Non-Profit	No		
Multi-Media		Enf. Coordinator	Epifanio Villarreal		
		EC's Team	Enforcement Team 8		
Admin. Penalty \$ Limit	Minimum	\$50	Maximum	\$1,000	

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		

Compliance History	10.0%	Adjustment	Subtotals 2, 3, & 7	\$210
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Notes: Enhancement for one agreed order containing a denial of liability. Reduction for High Performer Classification.

Culpability	No	0.0%	Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$210
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Economic Benefit	0.0%	Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$1,578
 Estimated Cost of Compliance: \$5,000
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,100
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$2,100
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,100
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DEFERRAL	0.0%	Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$2,100
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Screening Date 10-Sep-2020

Docket No. 2020-1183-PWS-E

PCW

Respondent VADHWANI ENTERPRISES INC. (PCW No.1)

Policy Revision 4 (April 2014)

Case ID No. 50725

PCW Revision March 26, 2014

Reg. Ent. Reference No. RN106241375

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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%
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) 20%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E **PCW**
Respondent VADHWANI ENTERPRISES INC. (PCW No.1) *Policy Revision 4 (April 2014)*
Case ID No. 50725 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2015-0950-PWS-E, Ordering Provision No. 2.e.iv

Violation Description
 Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, the well was not protected by a locked, ventilated well house or an intruder-resistant fence.

Base Penalty \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					15.0%
Potential	x				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes
 Failure to protect the well could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$850

\$150

Violation Events

Number of Violation Events 14 1257 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$2,100

Fourteen quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2015-0950-PWS-E, March 22, 2016, to August 31, 2019.

Good Faith Efforts to Comply

10.0%

Reduction \$210

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		

Notes
 The Respondent achieved compliance on September 23, 2020.

Violation Subtotal \$1,890

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,578

Violation Final Penalty Total \$2,100

This violation Final Assessed Penalty (adjusted for limits) \$2,100

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No.1)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
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	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	22-Mar-2016	23-Sep-2020	4.51	\$75	\$1,503	\$1,578
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide an intruder-resistant fence or lockable building for the well, calculated from the effective date of TCEQ Agreed Order Docket No. 2015-0950-PWS-E to the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1,578



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	8-Sep-2020	Screening	10-Sep-2020	EPA Due	
	PCW	10-Sep-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	VADHWANI ENTERPRISES INC. (PCW No. 2)
Reg. Ent. Ref. No.	RN106241375
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	50725	No. of Violations	8
Docket No.	2020-1183-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$12,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	10.0% Adjustment	Subtotals 2, 3, & 7	\$1,210
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Notes: Enhancement for one agreed order containing a denial of liability. Reduction for High Performer Classification.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	-\$1,537
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$74
 Estimated Cost of Compliance: \$1,018
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$11,773
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.3% Adjustment	\$41
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Enhancement to capture the avoided cost of compliance associated with Violation Nos. 3 and 4.

Final Penalty Amount	\$11,814
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$11,814
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$11,814
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Screening Date 10-Sep-2020

Docket No. 2020-1183-PWS-E

PCW

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 50725

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN106241375

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	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>)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgments 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%
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) 20%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

High Performer

Adjustment Percentage (Subtotal 7) -10%

>> Compliance History Summary

Compliance History Notes

Enhancement for one agreed order containing a denial of liability. Reduction for High Performer Classification.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 10%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 10%

Screening Date 10-Sep-2020

Docket No. 2020-1183-PWS-E

PCW

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 50725

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN106241375

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.43(d)(2)

Violation Description Failed to provide the Facility's three pressure tanks with an easily readable pressure gauge. Specifically, only one of the three pressure tanks was equipped with a pressure gauge.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (15.0%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0.0%).

Matrix Notes Failure to provide pressure release devices and pressure gauges could result in excess pressurization and expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 6 Number of violation days 72

Table with columns: Frequency (daily, weekly, monthly, quarterly, semiannual, annual, single event).

Violation Base Penalty \$4,500

Six monthly events are recommended (two pressure tanks x three monthly events), calculated from the investigation date, June 1, 2020, to the compliance date, August 12, 2020.

Good Faith Efforts to Comply

25.0% Reduction \$1,125

Table with columns: Extraordinary, Ordinary, N/A.

Notes The Respondent achieved compliance on August 12, 2020.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$5

Violation Final Penalty Total \$3,838

This violation Final Assessed Penalty (adjusted for limits) \$3,838

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
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	Costs Saved	EB Amount
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Delayed Costs

Equipment	\$400	1-Jun-2020	12-Aug-2020	0.20	\$0	\$5	\$5
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 cost includes the estimated amount to provide each pressure tank with an easily readable pressure gauge (\$200 per tank x two pressure tanks), calculated from the date of the investigation to the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$5

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E **PCW**
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)
Violation Description Failed to calibrate the Facility's well meter at least once every three years.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					3.0%
Potential			x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0.0%

Matrix Notes Failure to calibrate the well meter could result in inaccurate water usage or unavailable water usage and production data which could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 55 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

25.0% Reduction \$37

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		

Notes The Respondent achieved compliance on August 6, 2020.

Violation Subtotal \$113

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0 **Violation Final Penalty Total** \$128

This violation Final Assessed Penalty (adjusted for limits) \$128

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
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	Costs Saved	EB Amount
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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	\$31	1-Jun-2020	6-Aug-2020	0.18	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to calibrate the Facility's well meter (\$31 per well meter), calculated from the investigation date to the date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$31

TOTAL \$0

Screening Date 10-Sep-2020

Docket No. 2020-1183-PWS-E

PCW

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)

Policy Revision 4 (April 2014)

Case ID No. 50725

PCW Revision September 1, 2019

Reg. Ent. Reference No. RN106241375

Media Public Water Supply

Enf. Coordinator Epifanio Villarreal

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.44(h)(4)

Violation Description Failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certify that they are operating within specifications. Specifically, the backflow prevention assembly device installed at the carbonated soda dispenser had not been tested annually.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
					0.0%
Failure to test backflow prevention assemblies on an annual basis would not ensure the device is operating properly which could result in a reverse flow of contaminants entering into the water mains which would exceed levels protective of human health.					

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 4 101 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$3,000

Four monthly events are recommended, calculated from the date of the investigation, June 1, 2020, to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$3,000

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$37

Violation Final Penalty Total \$3,311

This violation Final Assessed Penalty (adjusted for limits) \$3,311

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$100	1-Jun-2020	1-May-2021	0.92	\$5	n/a	\$5
Training/Sampling	\$31	1-Jun-2020	1-May-2021	0.92	\$1	n/a	\$1
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 record keeping system delayed cost includes the estimated amount to update the Facility's operational guidance and conduct employee training to ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow assembly tester and certified that they are operating within specifications, calculated from the date of the investigation to the estimated date of compliance.

The training/sampling delayed cost includes the estimated amount to test the backflow prevention assembly (\$31 x one location), calculated from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$31	1-Jun-2020	10-Sep-2020	0.28	\$0	\$31	\$31
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to test the backflow prevention assembly (\$31 x one location), calculated from the investigation date to the date of screening.

Approx. Cost of Compliance

\$162

TOTAL

\$37

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)

Violation Description

Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, the Respondent was monitoring the free chlorine residual at three out of the five sites listed in the system's monitoring plan.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					3.0%
Potential			x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to monitor the disinfectant residual at representative locations throughout the distribution system could expose persons served by the Facility to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$4,850

\$150

Violation Events

Number of Violation Events 1 101 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

Notes

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

Violation Subtotal \$150

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$166

This violation Final Assessed Penalty (adjusted for limits) \$166

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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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	\$10	1-Jun-2020	1-May-2021	0.92	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to monitor the disinfectant residual at least once every seven days (\$10 per week), calculated from the investigation date to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs	\$10	1-Jun-2020	10-Sep-2020	0.28	\$0	\$10	\$10
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the estimated amount to monitor the disinfectant residual at least once every seven days (\$10 per week), calculated from the investigation date to the date of screening.

Approx. Cost of Compliance

\$20

TOTAL

\$10

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E **PCW**
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2) *Policy Revision 4 (April 2014)*
Case ID No. 50725 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(1)

Violation Description Failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

100% of the rule requirements were not met.

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 101 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$276

This violation Final Assessed Penalty (adjusted for limits) \$276

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$180	1-Jun-2020	1-Jul-2021	1.08	\$10	n/a	\$10
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile and maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$180

TOTAL \$10

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E **PCW**
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)
Violation Description Failed to keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), for as long as the well remains in service.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
			x		
	100% of the rule requirements were not met.				

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events 1 101 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

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

Violation Subtotal \$250

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$10

Violation Final Penalty Total \$276

This violation Final Assessed Penalty (adjusted for limits) \$276

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	\$180	1-Jun-2020	1-Jul-2021	1.08	\$10	n/a	\$10
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to keep on file copies of well completion data, as defined in 30 Tex. Admin. Code § 290.41(c)(3)(A), at the Facility, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$180

TOTAL

\$10

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E **PCW**
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2) *Policy Revision 4 (April 2014)*
Case ID No. 50725 *PCW Revision September 1, 2019*
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

Violation Number 7
Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), (f)(3)(B)(v), and (f)(3)(E)(iv)
Violation Description Failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request. Specifically, records of backflow prevention device programs and copies of Customer Service Inspection reports were not maintained on-site for review.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
				x	1.0%
At least 70% of the rule requirements were met.					

Adjustment \$4,950

\$50

Violation Events

Number of Violation Events 1 101 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

0.0%

Reduction \$0

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary	
Ordinary	
N/A	x

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$55

This violation Final Assessed Penalty (adjusted for limits) \$55

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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	1-Jun-2020	1-May-2021	0.92	\$2	n/a	\$2
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to compile and maintain water system operation and maintenance records and make them immediately available for inspection upon request by the Executive Director, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$45

TOTAL

\$2

Screening Date 10-Sep-2020 **Docket No.** 2020-1183-PWS-E
Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Enf. Coordinator Epifanio Villarreal

PCW

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2015-0950-PWS-E, Ordering Provision No. 2.e.iv

Violation Description

Failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers. Specifically, the well was not protected by a locked, ventilated well house or an intruder-resistant fence.

Base Penalty \$5,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				15.0%
	Potential	x			

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%

Matrix Notes

Failure to protect the well could expose persons served by the Facility to contaminants which would exceed levels protective of human health.

Adjustment \$4,250

\$750

Violation Events

Number of Violation Events 5 375 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$3,750

Five quarterly events are recommended, calculated from September 1, 2019 to the date of screening, September 10, 2020.

Good Faith Efforts to Comply

10.0%

Reduction \$375

Before NOE/NOV NOE/NOV to EDPRP/Settlement Offer

Extraordinary		
Ordinary		x
N/A		

Notes The Respondent achieved compliance on September 23, 2020.

Violation Subtotal \$3,375

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$3,763

This violation Final Assessed Penalty (adjusted for limits) \$3,763

Economic Benefit Worksheet

Respondent VADHWANI ENTERPRISES INC. (PCW No. 2)
Case ID No. 50725
Reg. Ent. Reference No. RN106241375
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	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 cost to provide an intruder-resistant fence or lockable building for the well is captured in the Economic Benefit Worksheet for Violation No.1 of PCW No. 1.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

Compliance History Report for CN603641176, RN106241375, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603641176, Vadhwani Enterprises Inc. **Classification:** HIGH **Rating:** 0.00

Regulated Entity: RN106241375, HANCOCK PLAZA I & II **Classification:** NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 18200 FM 306 CANYON LAKE, TX 78133-4379, COMAL COUNTY

TCEQ Region: REGION 13 - SAN ANTONIO

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0460271

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: December 15, 2020

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: December 15, 2015 to December 15, 2020

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

Name: EPI VILLARREAL **Phone:** (361) 825-3421

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

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

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

- 1 Effective Date: 03/22/2016 ADMINORDER 2015-0950-PWS-E (1660 Order-Agreed Order With Denial)
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.39(e)(1)
30 TAC Chapter 290, SubChapter D 290.39(h)(1)
5A THSC Chapter 341, SubChapter A 341.035(a)
- Description: Failure to submit and acquire plan approval prior to operating a public water supply.
- Classification: Moderate
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
5A THSC Chapter 341, SubChapter A 341.0315(c)
- Description: Failure to provide a free chlorine residual of at least 0.2 mg/L at the pressure tank and in the distribution system. Specifically, the free chlorine residual at the pressure tank and in distribution was 0.02 mg/L.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.46(v)
- Description: Failure to install electrical wiring in accordance with requirements. Specifically, the electrical wiring located inside the pressure tank house and at the well was not securely installed in compliance with a local or national electrical code to demonstrate compliance.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)
- Description: Failure to provide a casing vent for the well.
- Classification: Minor
- Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
- Description: Failure to provide a concrete sealing block in accordance with requirements. Specifically, the concrete slab

did not have a slope of no less than 0.25 inches around the well casing and the slab was not three feet in all directions.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(M)

Description: Failure to provide a raw water sampling tap for the well.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(N)

Description: Failure to provide a flow meter for the well.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(P)

Description: Failure to provide an all-weather access road to the well site. Specifically, the access to the well had decomposing lumber steps on a very steep gradient.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain watertight conditions. Specifically, the chlorine injection line was leaking.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence or locked ventilated well house for the well. Specifically, the well was not protected by a locked ventilated well house or an intruder-resistant fence.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failure to provide a plant operations manual.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

30 TAC Chapter 290, SubChapter D 290.46(f)(3)(D)(i)

30 TAC Chapter 290, SubChapter F 290.110(e)(4)(B)

Description: Failure to make adequate records available for review. Specifically, the records for the amount of water treated (well meter reading) and chemicals used each week, weekly chlorine residual logs and bacteriological sample results were not provided.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)

Description: Failure to provide a distribution map.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)

Description: Failure verify the accuracy of manual disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations. Specifically, no documentation to indicate that the manual disinfectant residual analyzer was being verified for accuracy at least once every 90 days was provided.

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.

N/A

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 NOV's Issued During Component Period 12/15/2015 and 12/15/2020

N/A

For Informational Purposes Only

Appendix B

All Investigations Conducted During Component Period December 15, 2015 and December 15, 2020

Item 1

August 30, 2020**

(1652358)

For Informational Purposes Only

* No violations documented during this investigation

**Investigation applicable for the Compliance History Rating period between 09/01/2015 and 08/31/2020.

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
VADHWANI ENTERPRISES INC.
RN106241375**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2020-1183-PWS-E**

On _____, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding VADHWANI ENTERPRISES INC. (the "Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this Order to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 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 agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 located at 18200 Farm-to-Market Road 306 in Canyon Lake, Comal County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 15 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(71).
2. During an investigation conducted on June 1, 2020 through July 7, 2020, an investigator documented that:
 - a. Only one of the three pressure tanks was equipped with a pressure gauge.
 - b. The Facility's well meter was not calibrated at least once every three years.
 - c. The backflow prevention assembly device installed at the carbonated soda dispenser had not been tested annually.

- d. The free chlorine residual was being monitored at three out of the five sites listed in the system's monitoring plan.
 - e. The Respondent did not maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned.
 - f. The Respondent did not keep on file copies of well completion data, as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), for as long as the well remains in service.
 - g. Records of backflow prevention device programs and copies of Customer Service Inspection reports were not maintained on-site for review.
 - h. The well was not protected by a locked, ventilated well house or an intruder-resistant fence.
3. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
- a. On August 6, 2020, a photograph and invoice were submitted indicating that the well meter has been replaced.
 - b. On August 12, 2020, a photograph and invoice were submitted indicating that all pressure tanks have been equipped with a pressure gauge.
 - c. On September 23, 2020:
 - i. Provided a locked, ventilated well house to protect the Facility's well.
 - ii. Provided copies of Customer Service Inspection reports.

II. CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the 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, the Respondent failed to provide the Facility's three pressure tanks with an easily readable pressure gauge, in violation of 30 TEX. ADMIN. CODE § 290.43(d)(2).
3. As evidenced by Finding of Fact No. 2.b, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
4. As evidenced by Finding of Fact No. 2.c, the Respondent failed to have all backflow prevention assemblies tested upon installation and on an annual basis by a recognized

backflow prevention assembly tester and certify that they are operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4).

5. As evidenced by Finding of Fact No. 2.d, the Respondent failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days, in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).
6. As evidenced by Finding of Fact No. 2.e, the Respondent failed to maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank until the Facility is decommissioned, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(1).
7. As evidenced by Finding of Fact No. 2.f, the Respondent failed to keep on file copies of well completion data, as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
8. As evidenced by Finding of Fact No. 2.g, the Respondent failed to maintain water works operation and maintenance records and make them readily available for review by the Executive Director upon request, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), (f)(3)(B)(v), and (f)(3)(E)(iv).
9. As evidenced by Finding of Fact No. 2.h, the Respondent failed to protect all well units with an intruder-resistant fence with a lockable gate or enclose the well in a locked, ventilated well house to exclude possible contamination or damage to the facilities by trespassers, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O) and TCEQ Agreed Order Docket No. 2015-0950-PWS-E, Ordering Provision No. 2.e.iv.
10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049(a), the TCEQ has the authority to assess an administrative penalty against the Respondent for violations of state statutes within the TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of \$13,914 is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent paid the \$13,914 penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed a penalty as set forth in Conclusion of Law No. 11 for violations of state statutes and rules of the TCEQ. The payment of this penalty and the Respondent's compliance with all the requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations that are not raised here. Penalty payments shall be made payable to "TCEQ" and shall be

sent with the notation "Re: VADHWANI ENTERPRISES INC., Docket No. 2020-1183-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 Order:
 - i. Monitor the disinfectant residual at representative locations throughout the distribution system at sites designated in the Facility's monitoring plan at least once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110. This provision will be satisfied upon three months of compliant monitoring;
 - ii. Compile and maintain properly completed water works operation and maintenance records, including records of backflow prevention device programs, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - iii. Update the Facility's operational guidance and conduct employee training to ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certified that they are operating within specifications, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - b. Within 45 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.ii and 2.a.iii.
 - c. Within 60 days after the effective date of this Order, ensure that all backflow prevention assemblies are tested upon installation and on an annual basis by a recognized backflow prevention assembly tester and certify that they are operating within specifications, including but not limited to the backflow prevention device at the carbonated soda dispenser, in accordance with 30 TEX. ADMIN. CODE § 290.44.
 - d. Within 75 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c.
 - e. Within 90 days after the effective date of this Order:

- i. Compile and maintain at the public water system accurate and up-to-date detailed as-built plans or record drawings and specifications for each treatment plant, pump station, and storage tank, in accordance with 30 TEX. ADMIN. CODE § 290.46; and
 - ii. Keep on file copies of well completion data for the well as defined in 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), in accordance with 30 TEX. ADMIN. CODE § 290.46.
- f. Within 105 days after the effective date of this Order, submit written certification as described in Ordering Provision No. 2.g below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.e.i and 2.e.ii.
- g. Within 135 days after the effective date of this Order, submit written certification, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.i. The certification shall be signed by the Respondent 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 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:

Water Section Manager
San Antonio Regional Office
Texas Commission on Environmental Quality
14250 Judson Road
San Antonio, Texas 78233-4480

3. All relief not expressly granted in this Order is denied.
4. The duties and provisions imposed by this Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.
6. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. This 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 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.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



Date

1/25/2022

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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, if any, in this Order and/or failure to timely pay the penalty amount, may result in:

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

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



Signature

4/13/21

Date

M. P. ...

Name (Printed or typed)
Authorized Representative of
VADHWANI ENTERPRISES INC.

Title

owner

If mailing address has changed, please check this box and provide the new address below:

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