

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2004-1342-PWS-E **TCEQ ID:** RN101251593 **CASE NO.:** 19035
RESPONDENT NAME: Steve Janssen dba Country Convenience

ORDER TYPE:

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: Country Convenience, 31403 Farm-to-Market Road 2978, Montgomery County

TYPE OF OPERATION: Transient non-community system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 11, 2005. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4490; Mr. Steven Lopez, Enforcement Division, Enforcement Section I, MC 219, (512) 239-1896

Central Office Investigator: Mr. Joaquin Montes, Water Supply Division, Public Drinking Water Section, MC 155, (512) 239-6061

Respondent: Mr. Steve Janssen, Owner, Country Convenience, 31403 Farm-to-Market Road 2978, Magnolia, Texas 77354

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: August 23, 2004 and September 10, 2004</p> <p>Dates of NOV/NOE Relating to this Case: July 8, 2003, August 15, 2003, December 8, 2003, March 10, 2004 (NOVs), September 15, 2004 (NOE)</p> <p>Background Facts: These were file reviews to determine compliance with the Drinking Water Quality program and several significant program violations were observed.</p> <p>WATER</p> <p>1) Failure to take routine monthly bacteriological samples for the months of May 2003 and December 2003 [30 TEX. ADMIN. CODE § 290.109(c)(2) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failure to collect and submit repeat bacteriological samples following a sample containing coliform organisms during the month of June 2003 [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)].</p> <p>3) Exceeded the microbiological maximum contaminated level (MCL) for coliform in June 2003 [30 TEX. ADMIN. CODE § 290.109(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to provide public notification for the microbial monitoring violations for the months of May 2003, June 2003 and December 2003 [30 TEX. ADMIN. CODE §§ 290.109(g) and 290.122(b)(2) and (c)(2)].</p>	<p>Total Assessed: \$1,450</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$1,450</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: This is a Findings Order because the Respondent had nine previous NOV's for the same or similar violation over the prior five year period.</p>	<p>Corrective Actions Taken</p> <p>The Executive Director recognizes that Mr. Janssen has completed the following corrective actions:</p> <p>a) Began collecting monthly samples which are representative of the Facility's water system since October 2004; and</p> <p>b) In October 2004 implemented a plan to publically notify customers of the microbial monitoring violations when they occur.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES
 PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION
 Respondent
 Reg. Ent. Ref. No.
 Additional ID No(s).
 Facility/Site Region Major/Minor Source

CASE INFORMATION
 Enf./Case ID No. No. of Violations
 Docket No. Order Type
 Case Priority Enf. Coordinator
 Media Program(s) EC's Team
 Multi-Media
 Admin. Penalty \$ Limit Minimum Maximum

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 Subtotals 2, 3, & 7

Notes

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A		(mark with a small x)

Notes

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$168"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$120"/>	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Adjustment

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

Notes

PAYABLE PENALTY

Screening Date 24-Aug-2004

Docket No. 2004-1342-PWS-E

PCW

Respondent Steve Janssen dba Country Convenience

Policy Revision 2 (September 2002)

Case ID No. 19035

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101251593

Additional ID No(s). Public Water Supply ID No. 1700627

Media [Statute] Public Water Supply

Enf. Coordinator Brian Lehmkuhle

Site Address 31403 Farm to Market Road 2978, Montgomery County, Texas

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	9	45%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 45%

>> 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

The respondent received nine NOV's for same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

PCW

Screening Date 24-Aug-2004
Respondent Steve Janssen dba Country Convenience
Case ID No. 19035

Policy Revision 2 (September 2002)

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101251593
Additional ID No(s). Public Water Supply ID No. 1700627
Media [Statute] Public Water Supply

Enf. Coordinator Brian Lehmkuhle

Violation Number 1

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

Violation Description Failure to take routine monthly bacteriological samples for the months of May and December, 2003. Failure to provide public notification for the microbial monitoring violations for the months of May and December, 2003.

Base Penalty \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 25%
	Potential	X			

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 2

<i>mark only one use a small x</i>	<i>daily</i>	
	<i>monthly</i>	X
	<i>quarterly</i>	
	<i>semiannual</i>	
	<i>annual</i>	
	<i>single event</i>	

Violation Base Penalty \$500

Two monthly events are recommended based on the respondent failure to collect and submit required water samples.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$168

Violation Final Penalty Total \$725

This violation Final Assessed Penalty (adjusted for limits) \$725

Economic Benefit Worksheet

Respondent Steve Janssen dba Country Convenience
 Case ID No. 19035
 Reg. Ent. Reference No. RN101251593
 Additional ID No(s). Public Water Supply ID No. 1700627
 Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$120	31-May-2003	30-Sep-2004	1.3	\$8	\$160	\$168
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to collect and submit required water samples for bacteriological analysis and provide public notice of sampling deficiencies.

Approx. Cost of Compliance **\$120**

TOTAL \$168

Screening Date DOCS\2004-1342-pws-e-ncp-Janssen_Countryrech.wb3 Docket No. 2004-1342-PWS-E PCW

Respondent Steve Janssen dba Country Convenience

Policy Revision 2 (September 2002)

Case ID No. 19035

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101251593

Additional ID No(s) Public Water Supply ID No. 1700627

Media [Statute] Public Water Supply

Enf. Coordinator Brian Lehmkuhle

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation."/>					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Steve Janssen dba Country Convenience
Case ID No. 19035
Reg. Ent. Reference No. RN101251593
Additional ID No(s). Public Water Supply ID No. 1700627
Media [Statute] 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	EB
						Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Economic benefit reflected in violation no. 1

Approx. Cost of Compliance

TOTAL

DOCS\2004-1342-pws-e-gcp-Janssen_Countryrech.wb3
 Screening Date 24-Aug-2004 Docket No. 2004-1342-PWS-E

PCW

Respondent Steve Janssen dba Country Convenience

Policy Revision 2 (September 2002)

Case ID No. 19035

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101251593

Additional ID No(s). Public Water Supply ID No. 1700627

Media [Statute] Public Water Supply

Enf. Coordinator Brian Lehmkuhle

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.109(f) and Tex. Health & Safety Code § 341.0315(c)

Secondary Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(g) and 290.122(b)(2)

Violation Description Failed to meet the microbiological Maximum Contaminant Level (MCL) for coliform in June 2003. Failure to provide public notification for the MCL violation for the month of June 2003.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes Human health or the environment will or could be exposed to pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input checked="" type="checkbox"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

One monthly event is recommended based on respondent failure to meet the coliform MCL.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Steve Janssen dba Country Convenience
Case ID No. 19035
Reg. Ent. Reference No. RN101251593
Additional ID No(s). Public Water Supply ID No. 1700627
Media [Statute] Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs					
Disposal		0.0	\$0	\$0	\$0
Personnel		0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling		0.0	\$0	\$0	\$0
Supplies/equipment		0.0	\$0	\$0	\$0
Financial Assurance [2]		0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]		0.0	\$0	\$0	\$0
Other (as needed)		0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Economic benefit reflected in violation no. 1

Approx. Cost of Compliance

TOTAL

Compliance History

Customer/Respondent/Owner-Operator: CN600686539 JANSSEN, STEVE Classification: Rating:
Regulated Entity: RN101251593 COUNTRY CONVENIENCE Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1700627
Location: 31403 FM 2978, MONTGOMERY CO Rating Date: 9/1/03 Repeat Violator: NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prepared: September 30, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 30, 1999 to September 30, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Brian Lehmkuhle Phone: (512) 239-4482

Site Compliance History Components:

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership of the site during the compliance period? No
3. If Yes, who is the current owner? N/A
4. If Yes, who was/were the prior owner(s)? N/A
5. When did the change(s) in ownership occur? N/A

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

B. Any criminal convictions of the state of Texas and the federal government.

C. Chronic excessive emissions events.

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

02/14/2001
07/16/2001
09/10/2001
07/08/2003
08/15/2003
12/08/2003
03/15/2004
07/14/2004
07/15/2004
08/23/2004
09/10/2004

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

Date: 07/15/2004 (279255)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to make available a sanitary control easement for the well at the time of inspection

Self Report? NO

Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to locate ground water sources so that there will be no danger of pollution from insanitary surroundings

Self Report? NO

Classification: Minor

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

Description: Failure to properly maintain the system by not cleaning the inside of the hypochlorinator solution container

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)

5A THC Chapter 341, SubChapter A 341.033(d)

Description: Failure to conduct past routine bacteriological monitoring

Date: 02/14/2001

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)

Description: Failure to collect and submit all required repeat samples following total coliform-positive result

Date: 07/16/2001
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: Failure to collect and submit all required additional routine distribution samples in month following total coliform-positive result

Date: 09/10/2001
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
 Description: Failure to provide public notice as required for failing to conduct bacteriological monitoring

Date: 07/08/2003
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)
 5A THC Chapter 341, SubChapter A 341.0315(c)
 Description: Exceeded the Maximum Contaminant Level (MCL) for coliform
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)
 Description: Failure to collect and submit all required repeat samples following total coliform-positive result

Date: 08/15/2003
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)
 Description: Failure to collect and submit all required repeat samples following total coliform-positive result

Date: 12/08/2003
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to conduct routine bacteriological monitoring

Date: 03/15/2004
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
 5A THC Chapter 341, SubChapter A 341.033(d)
 Description: Failure to conduct routine bacteriological monitoring

Date: 09/10/2004
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)
 Description: Failure to provide public notice as required for failing to conduct bacteriological monitoring
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)
 Description: Failure to provide public notice as required for exceeding MCL

F. Environmental audits.
 N/A

G. Type of environmental management systems (EMSs).
 N/A

H. Voluntary on-site compliance assessment dates.
 N/A

I. Participation in a voluntary pollution reduction program.
 N/A

J. Early compliance.
 N/A

Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
STEVE JANSSEN DBA COUNTRY	§	TEXAS COMMISSION ON
CONVENIENCE	§	
RN101251593	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2004-1342-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 Steve Janssen dba Country Convenience ("Mr. Janssen") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Mr. Janssen presented this agreement to the Commission.

Mr. Janssen understands that he 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, Mr. Janssen 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 Mr. Janssen.

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

I. FINDINGS OF FACT

1. Mr. Janssen owns and operates a transient non-community system at 31403 Farm-to-Market Road 2978, Montgomery County, Texas (the "Facility") that has approximately 3 service connections and serves at least 25 people per day for at least 60 days per year.
2. During file reviews conducted on August 23 and September 10, 2004, TCEQ staff documented that Mr. Janssen did not collect and submit monthly bacteriological samples for the months of May 2003 and December 2003.

3. During a file review conducted on September 10, 2004, TCEQ staff documented that Mr. Janssen did not take repeat bacteriological samples following a sample containing coliform organisms as required for June 2003.
4. During a file review conducted on September 10, 2004, TCEQ staff documented that Mr. Janssen did not meet the microbiological Maximum Contaminant Level (MCL) for coliform in June 2003.
5. During a file review conducted on September 10, 2004, TCEQ staff documented that Mr. Janssen did not provide required public notification for the microbial monitoring and MCL violations for the months of May 2003, June 2003 and December 2003.
6. Mr. Janssen received notice of the violations on July 13, August 20, and December 13, 2003; and March 20 and September 15, 2004.
7. The Executive Director recognizes that Mr. Janssen has completed the following corrective actions:
 - a. Began collecting monthly samples which are representative of the Facility's water system since October 2004; and
 - b. In October 2004 implemented a plan to publically notify customers for the microbial monitoring violations when they occur.

II. CONCLUSIONS OF LAW

1. Mr. Janssen 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 Finding of Fact No. 2, Mr. Janssen failed to take routine monthly bacteriological samples for the months of May 2003 and December 2003, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Finding of Fact No. 3, Mr. Janssen failed to collect and submit repeat bacteriological samples following a sample containing coliform organisms during the month of June 2003, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A).
4. As evidenced by Finding of Fact No. 4, Mr. Janssen exceeded the microbiological MCL for coliform in June 2003, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Finding of Fact No. 5, Mr. Janssen failed to provide public notification for the microbial monitoring violations for the months of May 2003, June 2003 and December 2003, in violation of 30 TEX. ADMIN. CODE §§ 290.109(g) and 290.122(b)(2) and (c)(2).

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail.

2. The second part of the document outlines the various methods used to collect and analyze data. These methods include direct observation, interviews, and the use of specialized software tools.

3. The third part of the document describes the process of identifying and measuring the variables of interest. This involves a thorough understanding of the research objectives and the selection of appropriate indicators.

4. The fourth part of the document discusses the challenges associated with data collection and analysis. These challenges include issues of reliability, validity, and the potential for bias.

5. The fifth part of the document provides a summary of the findings and conclusions drawn from the study. It highlights the key insights and offers recommendations for future research.

6. The sixth part of the document discusses the implications of the findings for practice. It explores how the results can be used to inform decision-making and to improve organizational performance.

7. The seventh part of the document provides a detailed description of the research methodology used in the study. This includes information about the study design, the data collection process, and the statistical methods used for analysis.

8. The eighth part of the document discusses the limitations of the study and the potential for future research. It identifies areas where further investigation is needed to address the remaining questions.

9. The ninth part of the document provides a final summary of the study and its contributions to the field. It emphasizes the significance of the findings and the value of the research.

10. The tenth part of the document discusses the ethical considerations that guided the research. It outlines the steps taken to ensure the protection of participants and the integrity of the research process.

6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Mr. Janssen for violations of 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.
7. An administrative penalty in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450) 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). Mr. Janssen has paid the One Thousand Four Hundred Fifty Dollar (\$1,450) administrative penalty.

III. ORDERING PROVISIONS

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

1. Mr. Janssen is assessed an administrative penalty in the amount of One Thousand Four Hundred Fifty Dollars (\$1,450), as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and Mr. Janssen'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: Steve Janssen dba Country Convenience, Docket No. 2004-1342-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Mr. Janssen. Mr. Janssen is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. 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 Mr. Janssen if the Executive Director determines that Mr. Janssen has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support informed decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document discusses the importance of data governance and the role of various stakeholders in ensuring data integrity and compliance with relevant regulations and standards.

6. The sixth part of the document explores the future of data management, including emerging trends like artificial intelligence and big data. It suggests ways in which these technologies can be leveraged to gain deeper insights from data.

7. The seventh part of the document provides a summary of the key points discussed and offers recommendations for implementing effective data management practices within the organization.

8. The eighth part of the document includes a list of references and resources for further reading on data management topics, ensuring that readers have access to the latest information and research.

9. The ninth part of the document contains a glossary of key terms and definitions used throughout the document, helping to clarify any ambiguity and ensuring a common understanding of the concepts discussed.

10. The tenth part of the document provides contact information for the authors and any other relevant parties, allowing readers to reach out for more information or to provide feedback on the document.

5. This Agreed Order, issued by the Commission, shall not be admissible against Mr. Janssen 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.
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. 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.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all stakeholders involved.

In addition, the document highlights the need for transparency and accountability in all financial dealings. It states that clear communication and regular reporting are key to building trust and ensuring the long-term sustainability of the organization.

Finally, the document concludes by reiterating the importance of adhering to all applicable laws and regulations. It encourages all employees to act ethically and responsibly, and to report any potential issues or concerns to the appropriate authorities.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order in the matter of Steve Janssen dba Country Convenience. I am authorized to agree to the attached Agreed Order on behalf of Steve Janssen dba Country Convenience, and do agree to the specified terms and conditions.

I understand that by entering into this Agreed Order, Steve Janssen dba Country Convenience 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.

Steve Janssen
Signature

01226-05
Date

STEVEN B JANSSEN
Name (printed or typed)
Authorized Representative
Steve Janssen dba Country Convenience

PRESIDENT
Title

I, the undersigned, on behalf of the Executive Director of the Texas Commission on Environmental Quality, hereby agree to the terms of this Agreed Order in lieu of an evidentiary hearing. This Agreed Order represents full and final adjudication of the violations giving rise to this Agreed Order.

[Signature]
For the Executive Director

4/12/07
Date

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

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Third block of faint, illegible text, continuing the main body of the document.

Fourth block of faint, illegible text, possibly a concluding paragraph or a signature line.

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Handwritten signature or initials on the right side of the lower half of the page.

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