

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1829-PWS-E TCEQ ID: RN101440576 CASE NO.: 31475
RESPONDENT NAME: Crims Chapel Water Supply Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Crims Chapel Water Supply Corporation Plant No. 1, 11894 County Road 240 North, Rusk County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 19, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Section I, MC R-13, (210) 403-1077; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Gordon Reed, President, Crims Chapel Water Supply Corporation, P.O. Box 45, Henderson, Texas 75653-0045 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

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>Date of Investigation Relating to this Case: April 1, 2006</p> <p>Dates of NOVs/NOE Relating to this Case: December 1, 2005, January 17, 2006, February 13, 2006, March 22, 2006, April 28, 2006 (NOVs); August 11, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to perform routine bacteriological sampling of the public water supply and failed to provide public notice of the failure to perform routine bacteriological sampling during the month of October 2005 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii), 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failed to comply with the MCL for total coliform bacteria and failed to provide public notice for the MCL exceedances in January and February 2006 [30 TEX. ADMIN. CODE §§ 290.109(f)(3), 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a)].</p> <p>3) Failed to collect and submit four repeat samples following a total coliform-positive sample found in February 2006, and failure to post public notice of the failure to collect and submit the appropriate number of additional samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)].</p> <p>4) Failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples in February and March 2006 [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A)].</p>	<p>Total Assessed: \$1,905</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: \$1,905</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <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 Orders Justification: The Respondent has five previous NOVs for the same violation over the prior five year period.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Crims Chapel WSC resumed collecting the required monthly bacteriological monitoring samples at the Facility as of April 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply;</p> <p>b. Within 30 days after the effective date of this Agreed Order, develop and implement a process to ensure that monthly bacteriological sampling is performed; and</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.</p>



Penalty Calculation Worksheet (PCW)

DATES	Assigned	9-Oct-2006	Screening	12-Oct-2006	EPA Due	1-Dec-2006
	PCW	16-Oct-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Crims Chapel Water Supply Corporation		
Reg. Ent. Ref. No.	RN101440576		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31475	No. of Violations	4
Docket No.	2006-1829-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 27% Enhancement Subtotals 2, 3, & 7

Notes: The penalty enhancement is due to five prior Notices of Violations (NOVs) for the same or similar violations as those in the current enforcement action and one dissimilar prior NOV.

Culpability No 0% Enhancement Subtotal 4

Notes: Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

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

Notes: Respondent does not meet the good faith effort criteria.

EB Amounts 0% Enhancement* Subtotal 6

Total EB Amounts	\$570	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$750	

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% 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 0% Reduction Adjustment

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 12-Oct-2006

Docket No. 2006-1829-PWS-E

PCW

Respondent Crims Chapel Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 31475

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101440576

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

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)	5	25%
	Other written NOV's	1	2%
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 submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 27%

>> 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 penalty enhancement is due to five prior Notices of Violations (NOVs) for the same or similar violations as those in the current enforcement action and one dissimilar prior NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 12-Oct-2006

Docket No. 2006-1829-PWS-E

PCW

Respondent Crims Chapel Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 31475

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101440576

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

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

Violation Description Failed to perform routine bacteriological sampling of the public water supply and failed to provide public notice of the failure to perform routine bacteriological sampling during the month of October 2005.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Failure to perform routine bacteriological monitoring of the public water supply and failure to provide public notification could result in the public being exposed to significant amounts of bacteriological contamination which would exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 Number of violation days 30

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$53

Violation Final Penalty Total \$318

This violation Final Assessed Penalty (adjusted for limits) \$318

Economic Benefit Worksheet

Respondent: Crims Chapel Water Supply Corporation
Case ID No.: 31475
Reg. Ent. Reference No.: RN101440576
Media: Public Water Supply
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

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

There are no delayed costs associated with this violation.

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]	\$50	1-Oct-2005	31-Oct-2005	1.0	\$3	\$50	\$53
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct monthly bacteriological sampling, to provide sampling results to the Commission, and/or provide public notification, calculated for the month when violation occurred.

Approx. Cost of Compliance

\$50

TOTAL

\$53

Screening Date 12-Oct-2006

Docket No. 2006-1829-PWS-E

PCW

Respondent Crims Chapel Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 31475

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101440576

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3), 290.122(b)(2)(A) and Tex. Health & Safety Code § 341.031(a)

Violation Description Failed to comply with the Maximum Contaminant Level ("MCL") for total coliform bacteria and failed to provide public notice for exceeding the MCL in January and February 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual		x		25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Customers of the public water system have been exposed to a significant amount of pollutants which do not exceed levels that are protective of human health.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 60 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

Violation Base Penalty \$500

Two monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$2

Violation Final Penalty Total \$635

This violation Final Assessed Penalty (adjusted for limits) \$635

Economic Benefit Worksheet

Respondent: Crims Chapel Water Supply Corporation
Case ID No.: 31475
Reg. Ent. Reference No.: RN101440576
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

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)	\$200	1-Feb-2006	30-Mar-2006	0.2	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to ensure the MCL for total coliform bacteria is not exceeded and the public notice is provided in a timely manner, calculated from time of noncompliance to the date of compliance.

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

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance \$200

TOTAL \$2

Screening Date 12-Oct-2006

Docket No. 2006-1829-PWS-E

PCW

Respondent Crims Chapel Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 31475

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101440576

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A)

Violation Description Failed to collect and submit four repeat samples following a total coliform-positive sample found in February 2006, and failure to post public notice of the failure to collect and submit the appropriate number of additional samples.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Customers of the public water supply could be exposed to pollutants which would exceed levels that are protective of human health as a result of the violations.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 1 30 Number of violation days

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$250

One monthly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$200

Violation Final Penalty Total \$318

This violation Final Assessed Penalty (adjusted for limits) \$318

Economic Benefit Worksheet

Respondent: Crims Chapel Water Supply Corporation
Case ID No.: 31475
Reg. Ent. Reference No.: RN101440576
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

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

There are no delayed costs associated with this violation.

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]	\$200	1-Feb-2006	28-Feb-2006	0.0	\$0	\$200	\$200
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to conduct repeat bacteriological sampling following a coliform found result, to provide sampling results to the Commission, and provide public notification, calculated for the month when violation occurred.

Approx. Cost of Compliance \$200

TOTAL \$200

Screening Date 12-Oct-2006

Docket No. 2006-1829-PWS-E

PCW

Respondent Crims Chapel Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 31475

PCW Revision February 15, 2005

Reg. Ent. Reference No. RN101440576

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

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

Violation Description Failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples in February and March 2006.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Customers of the public water supply could be exposed to pollutants which would exceed levels that are protective of human health as a result of the violations.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 2 60 Number of violation days

mark only one with an x	daily	
	monthly	x
	quarterly	
	semiannual	
	annual	
single event		

Violation Base Penalty \$500

Two monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$316

Violation Final Penalty Total \$635

This violation Final Assessed Penalty (adjusted for limits) \$635

Economic Benefit Worksheet

Respondent: Crims Chapel Water Supply Corporation
Case ID No.: 31475
Reg. Ent. Reference No.: RN101440576
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	Onetime Costs	EB Amount
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No commas or \$

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

There are no delayed costs associated with this violation.

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]	\$300	1-Feb-2006	30-Mar-2006	1.1	\$16	\$300	\$316
				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to collect at least five distribution bacteriological samples, to provide sampling results to the Commission, and provide public notification, calculated for the months in which violations occurred.

Approx. Cost of Compliance

\$300

TOTAL

\$316

Compliance History

Customer/Respondent/Owner-Operator:	CN600660641 Crims Chapel Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101440576 CRIMS CHAPEL WSC PLANT NO 1	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2010010
	WATER LICENSING	LICENSE	2010010
Location:	11894 COUNTY ROAD 240 N, RUSK COUNTY, TX		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	October 09, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 09, 2001 to October 09, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: 210-403-4077

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.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | | |
|---|------------|----------|--|
| 1 | 01/17/2006 | (509328) | |
| 2 | 04/28/2006 | (509360) | |
| 3 | 08/27/2002 | (7859) | |
| 4 | 03/22/2006 | (509342) | |
| 5 | 04/03/2003 | (29042) | |
| 6 | 12/01/2005 | (497662) | |
| 7 | 04/03/2006 | (456258) | |
| 8 | 10/02/2006 | (513819) | |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- | | | | |
|--------------|--|----------|--------------------------|
| Date: | 03/22/2006 | (509342) | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii) | | |
| Description: | Failure to collect all the repeat samples in 02/2006 following a coliform found result. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) | | |
| Description: | Failure to post a PN for not collecting all the repeat samples in 02/2006 following a coliform found result. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F) | | |
| Description: | Failure to collect all of the 5 distribution samples in 02/2006 following a coliform found month. | | |
| Self Report? | NO | | Classification: Moderate |
| Citation: | 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A) | | |

Description: Failure to post a PN for not collecting all of the 5 distribution samples in 02/2006 following a coliform found month.
 Date: 04/04/2006 (456258)
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 Classification: Minor

Description: Failure to provide for commission review an approved sanitary control easement, ordinance, deed or exception letter.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
 Classification: Minor

Description: Failure to provide an adequately sloped well sealing block.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
 Classification: Minor

Description: Failure to have a plant operations manual.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
 Classification: Minor

Description: Failure to provide a vent screen on a storage tank.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)
 Classification: Minor

Description: Failure to complete a customer service inspection.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
 Classification: Minor

Description: Failure to maintain operating records according to standards.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)
 Classification: Minor

Description: Failure to develop and maintain an up to date system monitoring plan.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Classification: Minor

Description: Failure to conduct storage and pressure tank inspections annually.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
 Classification: Minor

Description: Failure to submit Disinfectant Level Quarterly Operating Reports.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)
 Classification: Minor

Description: Failure to develop and maintain an up to date system monitoring plan.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)[G]
 Classification: Minor

Description: Failure to collect and document weekly disinfectant residual tests representative of the distribution system.
 Self Report? NO
 Citation: 30 TAC Chapter 288, SubChapter B 288.20[G]
 Classification: Minor

Description: Failure to provide a copy of an adopted drought contingency plan.
 Date: 01/17/2006 (509328)
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(3)
 Classification: Moderate

Description: Exceeded a Maximum Contaminant Level (MCL) Violation in 01/2006.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)
 Classification: Moderate

Description: Failure to post a PN for exceeding a Maximum Contaminant Level (MCL) Violation in 01/2006.
 Date: 12/01/2005 (497662)
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)
 Classification: Moderate

Description: Failure to collect any routine monitoring samples in 10/2005.
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
 Classification: Moderate

Description: Failure to post a PN for not collecting any routine monitoring samples in 10/2005.
 Date: 04/28/2006 (509360)
 Self Report? NO
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Classification: Moderate

Description: Failure to collect all of the 5 distribution samples in 03/2006 following a coliform found month.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

Description: Failure to post a PN for not collecting all of the 5 distribution samples in 03/2006 following a coliform found month.

Date: 02/13/2006 (509342)

Self Report? NO

Classification: Moderate

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

Description: Exceeded a Maximum Contaminant Level (MCL) Violation in 02/2006.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)

Description: Failure to post a PN for exceeding a Maximum Contaminant Level (MCL) Violation in 02/2006.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CRIMS CHAPEL WATER SUPPLY
CORPORATION
RN101440576**

**§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2006-1829-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 Crims Chapel Water Supply Corporation ("Crims Chapel WSC") under the authority of Tex. Health & Safety Code ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Crims Chapel WSC presented this agreement to the Commission.

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

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

I. FINDINGS OF FACT

1. Crims Chapel WSC owns and operates a public water supply at 11894 County Road 240 North in Rusk County, Texas (the "Facility") that has approximately 38 service connections and serves at least 25 people per day for at least 60 days per year.

REPUBLICAN PARTY OF CALIFORNIA



Statewide
Executive Director
1111 North Main Street
San Francisco, CA 94104
Phone: (415) 774-1111

Statewide
Executive Director
1111 North Main Street
San Francisco, CA 94104
Phone: (415) 774-1111

STATEWIDE EXECUTIVE DIRECTOR

The Republican Party of California is seeking a Statewide Executive Director to lead the party's efforts in promoting the interests of the state's citizens. The successful candidate will be responsible for developing and implementing the party's strategy, managing the party's operations, and representing the party in the public arena. The candidate must have a minimum of five years of experience in a leadership position in a political organization and a strong understanding of the California political process.

The candidate must also have a strong record of achievement in the areas of fundraising, coalition building, and public relations. The candidate must be a resident of California and a member of the Republican Party. The candidate must have a minimum of a Bachelor's degree in a related field. The candidate must be available to work full-time and to travel throughout the state.

The candidate must have a strong understanding of the California political process and the interests of the state's citizens. The candidate must have a strong record of achievement in the areas of fundraising, coalition building, and public relations. The candidate must be a resident of California and a member of the Republican Party. The candidate must have a minimum of a Bachelor's degree in a related field. The candidate must be available to work full-time and to travel throughout the state.

For more information, please contact the Republican Party of California at (415) 774-1111.

STATEWIDE EXECUTIVE DIRECTOR

The Republican Party of California is seeking a Statewide Executive Director to lead the party's efforts in promoting the interests of the state's citizens. The successful candidate will be responsible for developing and implementing the party's strategy, managing the party's operations, and representing the party in the public arena. The candidate must have a minimum of five years of experience in a leadership position in a political organization and a strong understanding of the California political process.

2. During a record review on April 1, 2006, TCEQ staff documented that Crims Chapel WSC did not perform routine bacteriological sampling and did not provide public notification of the failure to conduct monthly bacteriological sampling during the month of October 2005.
3. During a record review on April 1, 2006, TCEQ staff documented that Crims Chapel WSC exceeded the Maximum Contaminant Level ("MCL") for total coliform bacteria in January and February 2006 and did not provide public notification for the MCL exceedances.
4. During a record review on April 1, 2006, TCEQ staff documented that Crims Chapel WSC did not collect and submit four repeat samples following a total coliform-positive sample found in February 2006 and did not provide public notification of the failure to collect and submit the appropriate number of additional samples.
5. During a record review on April 1, 2006, TCEQ staff documented that Crims Chapel WSC did not collect five routine distribution samples following a coliform-positive month in February and March 2006, and did not provide public notification of the failure to perform repeat sampling.
6. Crims Chapel WSC received notices of the violations on December 6, 2005, January 22, 2006, February 18, 2006, March 27, 2006, May 3, 2006 and August 16, 2006.
7. The Executive Director recognizes that Crims Chapel WSC resumed collecting the required monthly bacteriological monitoring samples at the Facility as of April 2006.

II. CONCLUSIONS OF LAW

1. Crims Chapel WSC is subject to the jurisdiction of the TCEQ pursuant to Tex. Health & Safety Code ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, Crims Chapel WSC failed to perform routine bacteriological sampling of the public water supply and failed to provide public notice of the failure to perform routine bacteriological sampling during the month of October 2005, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(A)(ii), 290.122(c)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by Findings of Fact No. 3, Crims Chapel WSC failed to comply with the MCL for total coliform bacteria and failed to provide public notice for the MCL exceedances in January and February 2006, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3), 290.122(b)(2)(A) and TEX. HEALTH & SAFETY CODE § 341.031(a).
4. As evidenced by Findings of Fact No. 4, Crims Chapel WSC failed to collect and submit four repeat samples following a total coliform-positive sample found in February 2006, and failure to post public notice of the failure to collect and submit the appropriate number of additional samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(c)(2)(A).

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5. As evidenced by Findings of Fact No. 5, Crims Chapel WSC failed to collect at least five routine samples the month following a total coliform positive result and failed to provide public notice of failure to collect an appropriate number of routine samples in February and March 2006, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(c)(2)(A).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Crims Chapel WSC for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of One Thousand Nine Hundred Five Dollars (\$1,905) 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). Crims Chapel WSC has paid the One Thousand Nine Hundred Five Dollar (\$1,905) administrative penalty.

III. ORDERING PROVISIONS

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

1. Crims Chapel WSC is assessed an administrative penalty in the amount of One Thousand Nine Hundred Five Dollars (\$1,905) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Crims Chapel WSC'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: Crims Chapel Water Supply Corporation, Docket No. 2006-1829-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. Crims Chapel WSC shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, implement procedures to ensure that all necessary public notifications are provided in a timely manner to the customers of the water supply, as required by 30 TEX. ADMIN. CODE § 290.122;
 - b. Within 30 days after the effective date of this Agreed Order, develop and implement a process to ensure that monthly bacteriological sampling is performed, as required by 30 TEX. ADMIN. CODE § 290.109; and
 - c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including

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photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No(s). 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Water Supply Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon Crims Chapel WSC. Crims Chapel WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by Crims Chapel WSC shall be made in writing to the Executive Director. Extensions are not effective until Crims Chapel WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to Crims Chapel WSC if the Executive Director determines that Crims Chapel WSC has not complied with one or more of the terms or conditions in this Agreed Order.
6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against Crims Chapel WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms

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of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director



Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Crims Chapel Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Crims Chapel Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Crims Chapel Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

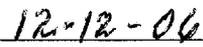
I also understand that my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me;
- and
- TCEQ seeking other relief as authorized by law.

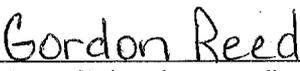
In addition, any falsification of any compliance documents may result in criminal prosecution.



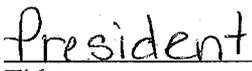
Signature



Date



Name (Printed or typed)
Authorized Representative of
Crims Chapel Water Supply Corporation



Title

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

THE UNIVERSITY OF CHICAGO

PHYSICS DEPARTMENT

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Dear Mr. [Name]:

I have received your letter of [Date] regarding [Topic].

The information you provided is being reviewed.

I will contact you again once a decision has been reached.

Sincerely,

[Signature]

[Name]

[Name]

Very truly yours,