

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2005-1798-PWS-E TCEQ ID: RN102819810 CASE NO.: 27080
RESPONDENT NAME: DOROTHY L. KRANZ DBA SEVEN BLUFF CABINS

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: North of Concan off United States Highway 83 on River Road, Uvalde County</p> <p>TYPE OF OPERATION: Public water supply system</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 July 9, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Rebecca M. Combs, Litigation Division, MC 175, (512) 239-6939 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Section I, MC R-13, (210) 403-4012 TCEQ Regional Contact: Ms. Sally Paramo, Austin Regional Office, MC 155, (512) 239-6675 Respondent: Ms. Dorothy L. Kranz, Seven Bluff Cabins, 4251 CR 348, Concan, Texas 78838 Respondent's Attorney: Not represented by counsel on this enforcement matter.</p>		

DOCKET NO.: 2005-1798-PWS-E

positive total coliform results that occurred during the month of May 2004, and April and July 2005 [30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii)].

6) Failed to provide public notification that all repeat sampling was not properly performed during the months of May 2004, and April and July 2005 [30 TEX. ADMIN. CODE § 290.122(c)(2)(B)].

7) Failed to collect five routine samples in May 2005 that are required following a month in which a positive total coliform result occurred in April 2005 [30 TEX. ADMIN. CODE § 290.109(c)(2)(F)].

8) Failed to provide public notification that the five routine monitoring samples that are required following a month in which a positive total coliform result occurred were not collected in May 2005 [30 TEX. ADMIN. CODE § 290.122(c)(2)(B)].

DOCKET NO.: 2005-1798-PWS-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Dates of Investigation Relating to this Case: August 1, 2005.</p> <p>Dates of NOVs and NOE Relating to this Case: NOVs: May 19, 2003, June 2, 2003, May 26, 2004, June 3, 2004, July 2, 2004, May 2, 2005, May 31, 2005, and June 27, 2005. NOE: August 4, 2005.</p> <p>Background Facts: The case was referred to the Litigation Division and an Agreed Order was negotiated and signed on March 6, 2007.</p> <p>PWS</p> <p>1) Failed to conduct routine bacteriological monitoring of the public water supply at the Facility during the months of March and April 2003, April 2004, and March 2005, [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d)].</p> <p>2) Failed to provide public notification that routine bacteriological monitoring of the public water supply at the Facility was not conducted during the months of April 2003, April 2004, and March 2005 [30 TEX. ADMIN. CODE § 290.122(c)(2)(B)].</p> <p>3) Exceeded the Facility's maximum contaminant level ("MCL") for total coliform during the month of May 2004 when one routine sample and three repeat samples all tested positive for total coliform [30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failed to provide public notification of the MCL exceedance for total coliform during the month of May 2004 [30 TEX. ADMIN. CODE § 290.122(b)(2)(B)].</p> <p>5) Failed to collect at least four repeat samples following</p>	<p>Total Assessed: \$2,925</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,925 The Respondent has paid the administrative penalty in full.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor <input checked="" type="checkbox"/> N/A</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor <input checked="" type="checkbox"/> N/A</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: Three repeated enforcement actions (NOVs) over the prior five year period for the same violation.</p>	<p>The Executive Director recognizes the Respondent has upgraded and corrected its water sampling procedures and came into compliance as of August 2005. The Respondent is also in the process of upgrading their system from a 900 gallon galvanized holding tank to a 4,800 gallon cement tank with two additional in line pumps and additional bladder pressure tanks.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

DATES	Assigned	19-Sep-2005	Screening	17-Oct-2005	EPA Due	
	PCW	19-Oct-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	Dorothy L. Kranz dba Seven Bluff Cabins
Reg. Ent. Ref. No.	RN102819810
Facility/Site Region	13-San Antonio
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	27080	No. of Violations	4
Docket No.	2005-1798-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 40% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability No 0% Enhancement **Subtotal 4**

Notes

Good Faith Effort to Comply 10% Reduction **Subtotal 5**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>
N/A	<input type="checkbox"/>	<i>(mark with a small x)</i>

Notes

Economic Benefit 0% Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$1,645"/>	<i>*Capped at the Total EB \$ Amount</i>
Approx. Cost of Compliance	<input type="text" value="\$1,500"/>	

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 Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 17-Oct-2005	Docket No. 2005-1798-PWS-E	PCW
Respondent Dorothy L. Kranz dba Seven Bluff Cabins		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 27080		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102819810		
Media [Statute] Public Water Supply		
Enf. Coordinator Rebecca Clausewitz		

Compliance History Worksheet

>> **Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	<i>Enter Number Here</i>	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action <i>(number of NOV's meeting criteria)</i>	8	40%
	Other written NOV's	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 40%

>> **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 enhancement is due to eight prior Notices of Violation (NOVs) in the last five years for violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 17-Oct-2005	Docket No. 2005-1798-PWS-E	PCW
Respondent Dorothy L. Kranz dba Seven Bluff Cabins		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 27080		<i>PCW Revision May 19, 2005</i>
Reg. Ent. Reference No. RN102819810		
Media [Statute] Public Water Supply		
Enf. Coordinator Rebecca Clausewitz		
Violation Number	1	
Primary Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B)	
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.033(d)	
Violation Description	Failure to conduct routine bacteriological monitoring of the public water supply in March and April 2003, April 2004, and March 2005 and failure to provide public notification of the failure to conduct routine bacteriological monitoring during the months of April 2003, April 2004, and March 2005.	
	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 If monthly bacteriological sampling is not performed, customers of the water supply will or could be exposed to contaminants in the drinking water which would exceed levels that are protective of human health.

Adjustment -\$750

Base Penalty Subtotal \$250

Violation Events

Number of Violation Events 4

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

Violation Base Penalty \$1,000

Four monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$460

Violation Final Penalty Total \$1,300

This violation Final Assessed Penalty (adjusted for limits) \$1,300

Economic Benefit Worksheet

Respondent Dorothy L. Kranz dba Seven Bluff Cabins
Case ID No. 27080
Reg. Ent. Reference No. RN102819810
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 There are no delayed costs associated with this violation.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item	Cost	Start Date	End Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$400	01-Mar-2003	31-Mar-2005	3.0	\$60	\$400	\$460
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs The avoided costs include the amount to perform monthly bacteriological monitoring of the water supply and to provide public notice of the failure to conduct monthly monitoring (\$100 per month), calculated for the four months when no monitoring and/or notification were performed.

Approx. Cost of Compliance \$400

TOTAL \$460

Screening Date 17-Oct-2005

Docket No. 2005-1798-PWS-E

PCW

Respondent Dorothy L. Kranz dba Seven Bluff Cabins

Policy Revision 2 (September 2002)

Case ID No. 27080

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102819810

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2)(B)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Exceeded the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notification of the MCL exceedance for total coliform during the month of May 2004.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

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 Dorothy L. Kranz dba Seven Bluff Cabins
 Case ID No. 27080
 Reg. Ent. Reference No. RN102819810
 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 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: There are no delayed costs associated with this violation.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)			Yrs	Interest Saved	Onetime Costs	EB Amount
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	01-May-2004	31-May-2004	1.0	\$10	\$200	\$210
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: The avoided costs include the amount for additional oversight that could have prevented the total coliform exceedance and the amount to provide public notice of the exceedance, calculated for the month in which the violations occurred.

Approx. Cost of Compliance

TOTAL

Screening Date 17-Oct-2005

Docket No. 2005-1798-PWS-E

PCW

Respondent Dorothy L. Kranz dba Seven Bluff Cabins

Policy Revision 2 (September 2002)

Case ID No. 27080

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102819810

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

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

Secondary Rule Cite(s)

Violation Description

Failure to collect at least four repeat samples following a positive total coliform result and failure to provide public notification that all repeat sampling was not properly performed during the months of May 2004 and April and July 2005.

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	Percent
<input type="text"/>				

Matrix Notes

If repeat sampling is not properly performed, customers of the water supply will or could be exposed to contaminants in the drinking water which would exceed levels that are protective of human health.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Three monthly events are recommended.

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 Dorothy L. Kranz dba Seven Bluff Cabins
Case ID No. 27080
Reg. Ent. Reference No. RN102819810
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: There are no delayed costs associated with this violation.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Item	Cost	Start Date	End Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]	\$600	01-May-2004	31-Jul-2005	2.0	\$60	\$600	\$660
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs: The avoided costs includes the amount to collect four repeat samples, to have those samples analyzed, and to provide public notice of the failure to conduct repeat sampling (\$200 per month), calculated for the two months in which the violations occurred.

Approx. Cost of Compliance \$600
TOTAL \$660

Screening Date 17-Oct-2005

Docket No. 2005-1798-PWS-E

PCW

Respondent Dorothy L. Kranz dba Seven Bluff Cabins

Policy Revision 2 (September 2002)

Case ID No. 27080

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102819810

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number

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

Secondary Rule Cite(s)

Violation Description
 Failure to collect at least five routine samples that are required following a month where there was a positive total coliform result and failure to provide public notification of the failure to collect the five routine samples following a month in which there was a total coliform positive sampling result. Specifically, the water supply was required to collect at least five samples in May 2005 due to a positive total coliform result in April 2005, however the water supply failed to collect any samples that month and provided no public notice.

Base Penalty

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

		Harm		
Release		Major	Moderate	Minor
OR	Actual			
	Potential	X		

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes
 If proper bacteriological sampling is not performed following a month with a positive coliform result, customers of the water supply will or could be exposed to contaminants which would exceed levels that are protective of human health.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One monthly event is recommended.

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 Dorothy L. Kranz dba Seven Bluff Cabins
Case ID No. 27080
Reg. Ent. Reference No. RN102819810
Media [Statute] 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
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	01-May-2005	31-May-2005	1.0	\$15	\$300	\$315
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs The avoided costs includes the amount to collect five samples, to have those samples analyzed, and to provide public notice of the failure to conduct the required sampling, calculated for the month in which the violations occurred.

Approx. Cost of Compliance \$300

TOTAL \$315

Compliance History

Customer/Respondent/Owner-Operator: CN601154420 KRANZ, DOROTHY L Classification: N/A Rating: N/A
Regulated Entity: RN102819810 SEVEN BLUFF CABINS Classification: N/A Site Rating: N/A
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2320050
Location: NORTH OF CONCAN TX OFF US HWY 83 ON RIVER ROAD PAST SECOND CROSSING
TCEQ Region: REGION 13 - SAN ANTONIO
Date Compliance History Prepared: October 19, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 19, 2000 to October 19, 2005
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Rebecca Clausewitz Phone: (210) 403-4012

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.)

09/14/2005 (418832)
06/27/2005 (404165)
06/03/2004 (404162)
05/16/2003 (402025)
05/31/2005 (404164)
08/15/2002 (8043)
05/26/2004 (404161)
05/02/2005 (404163)
06/02/2003 (404160)

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

1. Date: 05/19/2003 (402025)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 03/2003.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 03/2003.

2. Date: 06/02/2003 (404160)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 04/2003.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 04/2003.

3. Date: 05/26/2004 (404161)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 04/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 04/2004.

4. Date: 06/03/2004 (404162)
 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 05/2004.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(2)(B)
 Description: FAILURE TO POST A PN FOR EXCEEDING A MAXIMUM CONTAMINANT LEVEL (MCL) VIOLATION IN 05/2004.

5. Date: 07/02/2004 (404162)
 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 05/2004 FOLLOWING A COLIFORM FOUND RESULT.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ALL THE REPEAT SAMPLES IN 05/2004 FOLLOWING A COLIFORM FOUND RESULT.

6. Date: 05/02/2005 (404163)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)
 Description: FAILURE TO COLLECT ANY ROUTINE MONITORING SAMPLES IN 03/2005.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES IN 03/2005.

7. Date: 05/31/2005 (404164)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY REPEAT SAMPLES IN 04/2005 FOLLOWING A COLIFORM FOUND RESULT.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)
 Description: FAILURE TO COLLECT ANY REPEAT SAMPLES IN 04/2005 FOLLOWING A COLIFORM FOUND RESULT.

8. Date: 06/27/2005 (404165)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(F)
 Description: FAILURE TO COLLECT ANY OF THE DISTRIBUTION SAMPLES IN 05/2005 FOLLOWING A COLIFORM FOUND MONTH.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)
 Description: FAILURE TO POST A PN FOR NOT COLLECTING ANY OF THE DISTRIBUTION SAMPLES IN 05/2005 FOLLOWING A COLIFORM FOUND MONTH.

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
AGAINST DOROTHY L. KRANZ
DBA SEVEN BLUFF CABINS,
RN 102819810

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON DBA
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2005-1798-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Dorothy L. Kranz dba Seven Bluff Cabins ("Seven") under the authority of TEX. HEALTH & SAFETY CODE § 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Seven, presented this agreement to the Commission.

Seven 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, Seven agrees to waive all notice and procedural rights.

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

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

FINDINGS OF FACT

1. Seven owns and operates a camp ground and RV park with a public water supply system located North of Concan off US Highway 83 on River Road, Uvalde County, Texas (the "Facility") that has approximately 20 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review on August 1, 2005, TCEQ Staff determined that:

- a. Seven failed to conduct routine bacteriological monitoring of the public water supply at the Facility during the months of March and April 2003, April 2004, and March 2005.
 - b. Seven failed to provide public notification that routine bacteriological monitoring of the public water supply at the Facility was not conducted during the months of April 2003, April 2004, and March 2005.
 - c. Seven exceeded the Facility's maximum contaminant level ("MCL") for total coliform during the month of May 2004 when one routine sample and three repeat samples all tested positive for total coliform.
 - d. Seven failed to provide public notification of the MCL exceedance for total coliform during the month of May 2004.
 - e. Seven failed to collect at least four repeat samples following positive total coliform results that occurred during the months of May 2004, and April and July 2005.
 - f. Seven failed to provide public notification that all repeat sampling was not properly performed during the months of May 2004, and April and July 2005.
 - g. In May 2005, Seven failed to collect five routine samples that are required following a month in which a positive total coliform result occurred.
 - h. Seven failed provide public notification that the five routine monitoring samples that are required following a month in which a positive total coliform result occurred were not collected in May 2005.
3. Seven received notice of the violations on or about August 9, 2005.
 4. The Executive Director recognizes Seven has upgraded and corrected it's water sampling procedures and came into compliance as of August 2005. Seven is also in the process of upgrading their system from a 900 gallon galvanized holding tank to a 4,800 gallon cement tank with two additional in line pumps and additional bladder pressure tanks.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Seven 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. 2a., Seven failed to conduct routine bacteriological monitoring of the public water supply at the Facility during the months of March and April 2003, April 2004, and March 2005, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(i) and TEX. HEALTH & SAFETY CODE § 341.033(d).
3. As evidenced by finding of fact No. 2.b., Seven failed to provide public notification that routine bacteriological monitoring of the public water supply at the Facility was not conducted during the months of April 2003, April 2004, and March 2005 in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(B).
4. As evidenced by finding of fact No. 2.c., Seven exceeded of the Facility's maximum contaminant level ("MCL") for total coliform during the month of May 2004 when one routine sample and three repeat samples all tested positive for total coliform in violation of 30 TEX. ADMIN. CODE § 290.109(f)(3) and TEX. HEALTH & SAFETY CODE §341.0315(c).
5. As evidenced by finding of fact No. 2.d., Seven failed to provide public notification of the MCL exceedance for total coliform during the month of May 2004 in violation of 30 TEX. ADMIN. CODE § 290.122(b)(2)(B).
6. As evidenced by finding of fact No. 2.e., Seven failed to collect at least four repeat samples following positive total coliform results that occurred during the month of May 2004, and April and July 2005 in violation of 30 TEX. ADMIN. CODE § 290.109(c)(3)(A)(ii).
7. As evidenced by finding of fact No. 2.f., Seven failed to provide public notification that all repeat sampling was not properly preformed during the months of May 2004, and April and July 2005 in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(B).
8. As evidenced by finding of fact No. 2.g., in May 2005, Seven failed to collect five routine samples that are required following a month in which a positive total coliform result occurred in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(F).
9. As evidenced by finding of fact No. 2.h., Seven failed to provide public notification that the five routine monitoring samples that are required following a month in which a positive total coliform result occurred were not collected in May 2005 in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(B).

10. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Seven for violations of the TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
11. An administrative penalty in the amount of two thousand nine hundred twenty-five dollars (\$2,925.00) is assessed by the Commission in settlement of the violations alleged. Seven has paid two thousand nine hundred twenty five dollars (\$2,925.00) of the administrative penalty.

ORDERING PROVISIONS

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

1. Seven is assessed an administrative penalty in the amount of two thousand nine hundred twenty-five dollars (\$2,925.00) as set forth in Conclusion of Law No. 11 for violations of TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The payment of this administrative penalty and Seven'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 considering requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be sent with the notation "Re: Dorothy L. Kranz dba Seven Bluff Cabins; Docket No. 2005-1798-PWS-E" to:

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

2. 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 Seven if the Executive Director determines that Seven has not complied with one or more of the terms or conditions of this Agreed Order.
3. 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.

4. This Agreed Order, issued by the Commission, shall not be admissible against Seven 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
5. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
6. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T Code § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Seven, or three days after the date on which the Commission mails notice of the Order to Seven, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Stephanne Bergeron Pendue
For the Executive Director *by mar*

10/17/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Dorothy L. Kranz dba Seven Bluff Cabins and I represent that I am authorized to agree to the attached Agreed Order on behalf of Dorothy L. Kranz dba Seven Bluff Cabins 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, I waive 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.

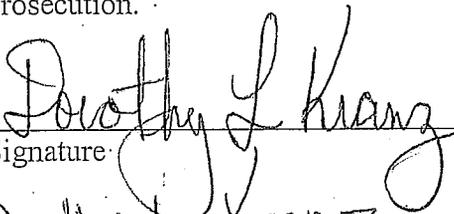
I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

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

Dorothy L. Kranz dba Seven Bluff Cabins
TCEQ Docket No. 2005-1798-PWS-E
Agreed Order Page 7

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


Signature

9/26/07
Date

Dorothy L. Kranz
Name (Printed or typed)

Title

Dorothy L. Kranz dba Seven Bluff Cabins