

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1107-PWS-E TCEQ ID: RN101243129 CASE NO.: 34177**  
**RESPONDENT NAME: BARBARA MILLER DBA TURNER WATER SERVICE**

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 531 Marilyn Street, Fresno, Fort Bend County</p> <p><b>TYPE OF OPERATION:</b> Public water system</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 17, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Mr. Patrick Jackson, Litigation Division, MC 175, (512) 239-6501  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Air Enforcement Section, MC 219, (512) 239-1165  <b>TCEQ Regional Contact:</b> Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581  <b>Respondent:</b> Ms. Barbara Miller, Owner, Turner Water Service, 531 Marilyn Street, Fresno, Texas 77545  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Dates of Investigation Relating to this Case:</b> May 1, 2007 and July 16, 2007</p> <p><b>Date of NOE Relating to this Case:</b> July 2, 2007</p> <p><b>Background Facts:</b> An EDRP was filed on October 19, 2007. The EDRP was sent via certified mail, return receipt requested, and via first class mail. The wrapper sent by certified mail was returned as "unclaimed". The first class mail has not been returned, indicating that Respondent received notice of the EDRP. The Respondent has not filed an answer, requested a hearing or scheduled a settlement conference.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>PWS:</b></p> <p>1. Failed to collect and submit routine monthly water samples for bacteriological analysis for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007 [30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.033(d)].</p> <p>2. Failed to provide public notice of failure to collect and submit samples for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007 [30 TEX. ADMIN. CODE § 290.122(c)(2)(A)].</p> <p>3. Failed to pay water system fees and all associated late fees for TCEQ Financial Administrative Account No. 0090790190 for fiscal years 1994 through 2007 [30 TEX. ADMIN. CODE § 290.51 and TEX. WATER CODE § 5.702].</p>	<p><b>Total Assessed:</b> \$29,750</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Due to General Revenue:</b> \$29,750</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p><b>Site Compliance History Classification:</b> N/A</p> <p><b>Person Compliance History Classification:</b> N/A</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1. Immediately:</p> <p>a. Begin collecting and submitting monthly water samples for bacteriological analysis; and</p> <p>b. Begin posting public notice indicating when sampling was not conducted.</p> <p>2. Within 30 days, submit payment for all outstanding fees, including any associated penalties and interest.</p> <p>3. Within 45 days, submit written certification of compliance with Ordering Provisions 1 and 2.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	2-Jul-2007	<b>Screening</b>	12-Jul-2007	<b>EPA Due</b>	
	<b>PCW</b>	13-Jul-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Barbara Miller dba Turner Water Service
<b>Reg. Ent. Ref. No.</b>	RN101243129
<b>Facility/Site Region</b>	12-Houston
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	34177	<b>No. of Violations</b>	2
<b>Docket No.</b>	2007-1107-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Libby Hogue
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$7,000
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	285% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$19,950
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**Notes**  
A 285% enhancement is recommended for having 52 NOV's for same or similar violations, and one final enforcement order without a denial of liability.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	\$0
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

**Notes**  
The Respondent does not meet the good faith criteria.

<b>Total EB Amounts</b>	\$3,371	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	\$0
<b>Approx. Cost of Compliance</b>	\$2,800	<i>*Capped at the Total EB \$ Amount</i>		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$26,950
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	10%	<b>Adjustment</b>	\$2,800
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**  
Recommend an upward adjustment of the penalty due to avoided costs of \$2,800.

<b>Final Penalty Amount</b>	\$29,750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$29,750
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<b>DEFERRAL</b>	0%	Reduction	<b>Adjustment</b>	\$0
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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.

<b>PAYABLE PENALTY</b>	\$29,750
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Screening Date 12-Jul-2007

Docket No. 2007-1107-PWS-E

PCW

Respondent Barbara Miller dba Turner Water Service

Policy Revision 2 (September 2002)

Case ID No. 34177

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

### Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	52	260%
	Other written NOVs	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	1	25%
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) 285%

>> 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

A 285% enhancement is recommended for having 52 NOVs for same or similar violations, and one final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 285%

Screening Date 12-Jul-2007

Docket No. 2007-1107-PWS-E

PCW

Respondent Barbara Miller dba Turner Water Service

Policy Revision 2 (September 2002)

Case ID No. 34177

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

Violation Number 1

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

Violation Description Failed to collect any routine water samples for bacteriological analysis for any month of the years of 2005 or 2006, nor the months of January, February, March, or April of 2007 and failed to post a public notice of the failure to conduct sampling, as documented during a record review investigation conducted on May 1, 2007.

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 Failure to sample may allow undetected contaminants that exceed levels that are protective of human health or environmental receptors being distributed to the public for human consumption.

Adjustment \$750

\$250

Violation Events

Number of Violation Events 28 892 Number of violation days

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

Violation Base Penalty \$7,000

Twenty-eight monthly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3,371

Violation Final Penalty Total \$29,750

This violation Final Assessed Penalty (adjusted for limits) \$29,750

## Economic Benefit Worksheet

**Respondent** Barbara Miller dba Turner Water Service  
**Case ID No.** 34177  
**Reg. Ent. Reference No.** RN101243129  
**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
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

### 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]	\$2,800	31-Jan-2005	30-Mar-2008	4.1	\$571	\$2,800	\$3,371
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct routine bacteriological sampling and to post public notice of the violation. Date required is the first month sampling was not performed, the final date is the date the Respondent is anticipated to come into compliance.

Approx. Cost of Compliance

\$2,800

TOTAL

\$3,371

Screening Date 12-Jul-2007

Docket No. 2007-1107-PWS-E

PCW

Respondent Barbara Miller dba Turner Water Service

Policy Revision 2 (September 2002)

Case ID No. 34177

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Libby Hogue

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.51 and Tex. Water Code ch. 5.702

Violation Description Failed to pay water system fees and all associated late fees for TCEQ Financial Administrative Account No. 0090790190 for fiscal years 1994 through 2007.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$0

No penalty is recommended because penalty and interest will be assessed at the next billing.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$0

Violation Final Penalty Total \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

## Economic Benefit Worksheet

**Respondent** Barbara Miller dba Turner Water Service

**Case ID No.** 34177

**Reg. Ent. Reference No.** RN101243129

**Media** Public Water Supply

**Violation No.:** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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

N/A

### 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

N/A

Approx. Cost of Compliance

\$0

**TOTAL**

\$0

## Compliance History

Customer/Respondent/Owner-Operator: CN602952947 MILLER, BARBARA Classification: Rating:  
Regulated Entity: RN101243129 TURNER WATER SERVICE Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0790190  
WATER LICENSING LICENSE 0790190  
Location: 531 MARILYN ST, FRESNO, TX, 77545  
TCEQ Region: REGION 12 - HOUSTON  
Date Compliance History Prepared: July 12, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 02, 2002 to July 02, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Libby Hogue Phone: 512-239-1165

### 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? Yes
3. If Yes, who is the current owner? Miller, Barbara
4. If Yes, who was/were the prior owner(s)? Turner, Craig
5. When did the change(s) in ownership occur?  
September 22, 2002

### Components (Multimedia) for the Site :

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

Effective Date: 01/26/2006 ADMINORDER 2005-0607-PWS-E  
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 04/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 05/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not taking a routine monitoring sample in 07/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not taking a routine monitoring sample in 05/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not taking a routine monitoring sample in 04/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample for 06/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not taking a routine monitoring sample for 06/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 08/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 09/2003.

Classification: Moderate

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

Description: Failure to post a PN for not taking a routine monitoring sample in 09/2003.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 10/2003.

Classification: Moderate

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

Description: Failure to post a PN for not taking a routine monitoring sample in 10/2003.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 11/2003.

Classification: Moderate

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

Description: Failure to post a PN for not taking a routine monitoring sample in 11/2003.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 12/2003.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 01/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 02/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 03/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample for 04/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample for 05/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample for 07/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample for 08/2004.

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 09/2004.

Classification: Moderate

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

Description: Failure to collect a routine monitoring sample in 10/2004.

Classification: Moderate

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

Description: Failure to post PN for not collecting a routine monitoring sample in 10/2004.

Classification: Moderate

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

Description: Failure to collect a routine monitoring sample in 11/2004.

Classification: Moderate

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

Description: Failure to post PN for not collecting a routine monitoring sample in 11/2004.

Classification: Moderate

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

Description: Failure to post a PN for not collecting a routine monitoring sample in 12/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 12/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 06/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 02/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 02/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 07/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 08/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 12/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 01/2004.

Classification: Moderate

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

Description: Failure to post a PN for not collecting a routine monitoring sample in 02/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 03/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 04/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 05/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 06/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 07/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post a PN for not collecting a routine monitoring sample in 08/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 09/2004.

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 04/23/2003 (348487)
- 2 06/02/2003 (348904)
- 3 07/16/2003 (348913)

4 08/15/2003 (348914)  
5 09/17/2003 (348918)  
6 10/15/2003 (348951)  
7 11/06/2003 (348954)  
8 12/03/2003 (348956)  
9 01/13/2004 (348962)  
10 01/28/2004 (348968)  
11 02/27/2004 (349011)  
12 03/30/2004 (349051)  
13 05/05/2004 (349081)  
14 05/26/2004 (349110)  
15 07/02/2004 (349118)  
16 07/29/2004 (349128)  
17 08/27/2004 (349164)  
18 09/23/2004 (334319)  
19 10/01/2004 (349182)  
20 10/29/2004 (349224)  
21 11/30/2004 (372040)  
22 12/28/2004 (372045)  
23 01/28/2005 (372048)  
24 03/03/2005 (563016)  
25 03/03/2005 (372252)  
26 04/01/2005 (563119)  
27 05/02/2005 (563147)  
28 05/31/2005 (563238)  
29 06/27/2005 (563258)  
30 07/27/2005 (563306)  
31 08/25/2005 (563323)  
32 10/03/2005 (563333)  
33 10/31/2005 (563377)  
34 12/01/2005 (563420)  
35 12/19/2005 (449509)  
36 12/21/2005 (563432)  
37 01/25/2006 (563439)  
38 02/23/2006 (563458)  
39 03/22/2006 (563463)  
40 04/28/2006 (563473)  
41 05/26/2006 (563502)  
42 06/27/2006 (563507)  
43 07/31/2006 (563516)  
44 08/25/2006 (563521)  
45 09/25/2006 (563530)  
46 10/25/2006 (563562)  
47 11/21/2006 (563573)  
48 12/21/2006 (563638)  
49 01/26/2007 (563646)  
50 02/21/2007 (563666)  
51 03/29/2007 (563708)  
52 04/25/2007 (563722)  
53 05/25/2007 (563735)  
54 06/26/2007 (564890)

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

Date 04/23/2003 (348487)

Self Report? NO

Classification: Moderate

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

Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 06/2003.

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 TAKING A ROUTINE MONITORING SAMPLE IN 02/2003.

Date 06/02/2003 (348904)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 04/2003.

Self Report? NO

Classification: Moderate

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

Description: Failure to post PN for not taking a routine monitoring sample in 04/2003.

Date 07/16/2003 (348913)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 05/2003.

Self Report? NO

Classification: Moderate

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

Description: Failure to post PN for not taking a routine monitoring sample in 05/2003.

Date 08/15/2003 (348914)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample for 06/2003.

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 taking a routine monitoring sample for 06/2003.

Date 09/17/2003 (348918)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)(2)(A)(ii)

Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE IN 07/2003.

Self Report? NO

Classification: Moderate

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

Description: Failure to post PN for not taking a routine monitoring sample in 07/2003.

Date 10/15/2003 (348951)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 08/2003.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.101

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

Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 08/2003.

Date 11/06/2003 (348954)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 09/2003.

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 taking a routine monitoring sample in 09/2003.

Date 12/03/2003 (348956)

Self Report? NO

Classification: Moderate

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

Description: Failure to take a routine monitoring sample in 10/2003.

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 taking a routine monitoring sample in 10/2003.

Date 01/13/2004 (348962)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 11/2003.  
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 taking a routine monitoring sample in 11/2003.

Date 01/28/2004 (348968)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 12/2003.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 12/2003.

Date 02/27/2004 (349011)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 01/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 01/2004.

Date 03/30/2004 (349051)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 02/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 02/2004.

Date 05/05/2004 (349081)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 03/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE 03/2004.

Date 05/26/2004 (349110)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample for 04/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE FOR 04/2004.

Date 07/02/2004 (349118)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE FOR 05/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample for 05/2004.

Date 07/29/2004 (349128)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO TAKE A ROUTINE MONITORING SAMPLE FOR 06/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)  
Description: FAILURE TO COLLECT A ROUTINE MONITORING SAMPLE FOR 06/2004.

Date 08/27/2004 (349164)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample for 07/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE FOR 07/2004.

Date 10/01/2004 (349182)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample for 08/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE FOR 08/2004.

Date 10/29/2004 (349224)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to take a routine monitoring sample in 09/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.108(c)(2)(A)(ii)  
Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE IN 09/2004.

Date 11/30/2004 (372040)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 10/2004.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 10/2004.

Date 12/28/2004 (372045)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 11/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting a routine monitoring sample in 11/2004.

Date 01/28/2005 (372048)

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 a routine monitoring sample in 12/2004.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)[G]  
Description: Failure to collect a routine monitoring sample in 12/2004.

Date 03/03/2005 (563016)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any of the required routine samples for 01/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: FAILURE TO POST PN FOR NOT COLLECTING ANY ROUTINE MONITORING SAMPLES FOR 01/2005.

Date 04/01/2005 (563119)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 02/2005.  
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 any routine monitoring samples in 02/2005.

Date 05/02/2005 (563147)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 03/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 03/2005.

Date 05/31/2005 (563238)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 04/2005.

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 any routine monitoring sample(s) in 04/2005.

Date 06/27/2005 (563258)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 05/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 05/2005.

Date 07/27/2005 (563306)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring samples for 06/2005.  
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 any routine monitoring samples for 06/2005.

Date 08/25/2005 (563323)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring samples for 07/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 07/2005.

Date 10/03/2005 (563333)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 08/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 08/2005.

Date 10/31/2005 (563377)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 09/2005.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 09/2005.

Date 12/01/2005 (563420)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) in 10/2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 10/2005.

Date 12/19/2005 (449509)

Self Report? NO Classification: Major

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)  
Description: Failure by the regulated entity to be under the direct supervision of a licensed water works operator at all times.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)  
Description: Failure to submit at least 1 sample of water collected from the distribution system regularly each month to a TCEQ certified laboratory for bacteriological analysis as required by this agency's Drinking Water Standards.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.121(a)  
Description: Failure to develop and maintain an up to date system monitoring plan.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)  
Description: Failure to make available sanitary control easements for well at the time of inspection.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(A)  
Description: Failure to perform at least once every seven days, chlorine residual tests on water collected from various locations within the distribution system.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)  
Description: Failure to properly maintain the regulated entities by not:  
Replacing the leaking pressure gauge on the pressure tank and repairing the damage well house.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.105(a)  
Description: Failure to provide drinking water within the maximum permissible levels for the constituent manganese, which are 0.05. The most recent chemical analysis of the water from this system reveals that the manganese concentrations are 0.062, respectively.

Date 12/21/2005 (563432)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 11/2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: 11/2005 - Failure to post PN for not collecting any routine monitoring sample(s) in 11/2005.

Date 01/25/2006 (563439)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 12/2005.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 12/2005.

Date 02/23/2006 (563458)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 01/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 01/2006.

Date 03/22/2006 (563463)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 02/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 02/2006.

Date 04/28/2006 (563473)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 03/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 03/2006.

Date 05/26/2006 (563502)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 04/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 04/2006.

Date 06/27/2006 (563507)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 05/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 05/2006.

Date 07/31/2006 (563516)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 06/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 06/2006.

Date 08/25/2006 (563521)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 07/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 07/2006.

Date 09/25/2006 (563530)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 08/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 08/2006.

Date 10/25/2006 (563562)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 09/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 09/2006.

Date 11/21/2006 (563573)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 10/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 10/2006.

Date 12/21/2006 (563638)  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
Description: Failure to collect any routine monitoring sample(s) for 11/2006.  
Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
Description: Failure to post PN for not collecting any routine monitoring sample(s) in 11/2006.

Date 01/26/2007 (563646)  
Self Report? NO Classification: Moderate

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

Description: Failure to collect any routine monitoring sample(s) for 12/2006.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) in 12/2006.

Date 02/21/2007 (563666)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: Failure to collect any routine monitoring sample(s) for 01/2007.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) in 01/2007.

Date 03/29/2007 (563708)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: Failure to collect any routine monitoring sample(s) for 02/2007.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) in 02/2007.

Date 04/25/2007 (563722)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: Failure to collect any routine monitoring sample(s) for 03/2007.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) in 03/2007.

Date 05/25/2007 (563735)  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: Failure to collect any routine monitoring sample(s) for 04/2007.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) for 04/2007.

Date 06/26/2007  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)  
 Description: Failure to collect any routine monitoring sample(s) for 04/2007.  
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)  
 Description: Failure to post PN for not collecting any routine monitoring sample(s) for 04/2007.

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  
BARBARA MILLER DBA TURNER  
WATER SERVICE;  
RN101243129

§  
§  
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§  
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§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

**DEFAULT ORDER**  
**DOCKET NO. 2007-1107-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made, the subject of this Order is Barbara Miller dba Turner Water Service ("Ms. Miller").

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

**FINDINGS OF FACT**

1. Ms. Miller owns and operates a public water system located at 531 Marilyn Street, Fresno, Fort Bend County, Texas (the "Facility").
2. The Facility has approximately 13 service connections; serves at least 25 people per day for at least 60 days per year; and provides water for human consumption. As such, the Facility is a public water system as defined in 30 TEX. ADMIN CODE § 290.38(47).
3. During a record review conducted on May 1, 2007, a TCEQ Public Water Supply Division Investigator documented that Ms. Miller:
  - a. Failed to collect and submit routine monthly water samples for bacteriological analysis for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007.

- b. Failed to provide public notice of failure to collect and submit samples for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007.
4. During a record review conducted on July 16, 2007, a TCEQ Public Water Supply Division Investigator documented that Ms. Miller failed to pay water system fees and all associated late fees for TCEQ Financial Administrative Account No. 0090790190 for fiscal years 1994 through 2007.
5. Ms. Miller received notice of the violations on or about July 2, 2007.
6. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Barbara Miller dba Turner Water Service" (the "EDPRP") in the TCEQ Chief Clerk's office on October 19, 2007.
7. By letter dated October 19, 2007, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Miller with notice of the EDPRP. The United States Postal Service returned the wrapper sent by certified mail as "unclaimed". The first class mail has not been returned, indicating that Ms. Miller received notice of the EDPRP.
8. More than 20 days have elapsed since Ms. Miller received notice of the EDPRP, provided by the Executive Director. Ms. Miller failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.

#### CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Ms. Miller is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., Ms. Miller failed to collect and submit routine monthly water samples for bacteriological analysis for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.033(d).

3. As evidenced by Finding of Fact No. 3.b., Ms. Miller failed to provide public notice of failure to collect and submit samples for any month of the years 2005 and 2006, nor the months of January, February, March, or April of the year 2007, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A).
4. As evidenced by Finding of Fact No. 4, Ms. Miller failed to pay water system fees and all associated late fees for TCEQ Financial Administrative Account No. 0090790190 for fiscal years 1994 through 2007, in violation of 30 TEX. ADMIN. CODE § 290.51 and TEX. WATER CODE § 5.702.
5. As evidenced by Finding of Fact Nos. 6 and 7, the Executive Director has timely served Ms. Miller with proper notice of the EDPRP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
6. As evidenced by Finding of Fact No. 8, Ms. Miller has failed to file a timely answer to the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Ms. Miller and assess the penalty recommended by the Executive Director.
7. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Ms. Miller 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.
8. An administrative penalty in the amount of twenty-nine thousand seven hundred fifty dollars (\$29,750.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
9. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

### ORDERING PROVISIONS

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

1. Ms. Miller is assessed an administrative penalty in the amount of twenty-nine thousand seven hundred fifty dollars (\$29,750.00) for violations of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE ch. 5, and rules of the TCEQ. The payment of this administrative penalty and Ms. Miller's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Barbara Miller dba Turner Water Service; Docket No. 2007-1107-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. Ms. Miller shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Order, Ms. Miller shall begin collecting and submitting monthly water samples for bacteriological analysis, as required by 30 TEX. ADMIN. CODE § 290.109;
  - b. Immediately upon the effective date of this Order, Ms. Miller shall begin posting public notice indicating when sampling was not conducted, as required by 30 TEX. ADMIN. CODE § 290.122; and
  - c. Within 30 days after the effective date of this Order, Ms. Miller shall submit payment for all outstanding fees, including any associated penalties and interest with the notation, "Barbara Miller dba Turner Water Service", Financial Administration Account No. 0090790190, 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

- d. Within 45 days after the effective date of this Order, Ms. Miller shall submit written certification of compliance with Ordering Provisions 2.a. through 2.c. as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance. 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:

Stephen Smith, Water Section Manager  
Houston Regional Office  
Texas Commission on Environmental Quality  
5425 Polk Avenue, Suite H  
Houston, Texas 77023-1486

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Ms. Miller. Ms. Miller is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Ms. Miller shall be made in writing to the Executive Director. Extensions are not effective until Ms. Miller receives written

approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. 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 Ms. Miller if the Executive Director determines that Ms. Miller has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Barbara Miller dba Turner Water Service  
DOCKET NO. 2007-1107-PWS-E  
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## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF PATRICK N. JACKSON**

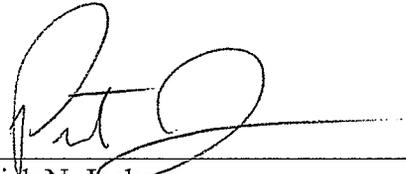
STATE OF TEXAS           §  
  §  
COUNTY OF TRAVIS       §

“My name is Patrick N. Jackson. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Barbara Miller dba Turner Water Service” (the “EDPRP”) with the Office of the Chief Clerk on October 19, 2007.

I sent the EDPRP to Ms. Miller at her last known address on October 19, 2007 via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the wrapper sent by certified mail as “unclaimed”. The first class mail has not been returned, indicating the respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

More than 20 days have elapsed since Ms. Miller received notice of the EDPRP. Ms. Miller failed to file an answer to the EDPRP, failed to request a hearing, and failed to schedule a settlement conference”.



\_\_\_\_\_  
Patrick N. Jackson  
Attorney  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Patrick N. Jackson, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 18<sup>th</sup> day of January, A.D., 2008.



Notary Stamp

Meghan Taack  
\_\_\_\_\_  
Notary Signature