

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-1203-PWS-E **TCEQ ID:** RN102676012 **CASE NO.:** 36250
RESPONDENT NAME: City of Cresson

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: City of Cresson Water System, located at Juanita Road, south of Farm-to-Market Road 171, Cresson, Johnson County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 November 24, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable W. R. Cornett, Mayor, City of Cresson, P.O. Box 619, Cresson, Texas 76035 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: June 19, 2008</p> <p>Date of NOV/NOE Relating to this Case: June 20, 2008 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Exceeded the maximum contaminant level ("MCL") for total coliform and failed to provide public notice for exceeding the MCL for total coliform [30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a)].</p> <p>2) Failed to collect a set of repeat samples within 24 hours of being notified of a coliform-positive sample result and failed to provide public notice of the failure to collect repeat samples [30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(b)(2)].</p> <p>3) Failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to collect the appropriate number of samples [30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(b)(2)].</p>	<p>Total Assessed: \$3,165</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,165</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent delivered Public Notices to its customers on May 5, 2008 and came into compliance with the MCL for total coliform on April 1, 2008.</p>

Additional ID No(s): 1260053



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

TCEQ

DATES	Assigned	1-Jul-2008	Screening	17-Jul-2008	EPA Due	21-Mar-2009
	PCW	22-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Cresson
Reg. Ent. Ref. No.	RN102676012
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36250	No. of Violations	3
Docket No.	2008-1203-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Tel Croston
		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)	<i>Subtotal 1</i>	\$2,250
---	-------------------	---------

ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	49.0% Enhancement	<i>Subtotals 2, 3, & 7</i> \$1,102

Notes: Penalty enhanced due to nine Notices of Violations ("NOVs") with same or similar violations and two dissimilar NOVs.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
--------------------	----	------------------	-------------------	-----

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	<i>Subtotal 5</i>	\$187
--	-------------------	-------

Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
-------------------------	-------------------	-------------------	-----

Total EB Amounts: \$482
 Approx. Cost of Compliance: \$450
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$3,165
-----------------------------	-----------------------	---------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	<i>Adjustment</i>	\$0
---	------	-------------------	-----

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$3,165
-----------------------------	---------

STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$3,165
-----------------------------------	-------------------------------	---------

DEFERRAL	0.0% Reduction	<i>Adjustment</i>	\$0
-----------------	----------------	-------------------	-----

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

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$3,165
------------------------	---------

Screening Date 17-Jul-2008

Docket No. 2008-1203-PWS-E

PCW

Respondent City of Cresson

Policy Revision 2 (September 2002)

Case ID No. 36250

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN102676012

Media [Statute] Public Water Supply

Enf. Coordinator Tel Croston

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 <i>(number of NOVs meeting criteria)</i>	9	45%
	Other written NOVs	2	4%
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 submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<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) 49%

>> **Repeat Violator (Subtotal 3)**

N/A

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Penalty enhanced due to nine Notices of Violations ("NOVs") with same or similar violations and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 49%

Screening Date	17-Jul-2008	Docket No.	2008-1203-PWS-E	PCW
Respondent	City of Cresson			Policy Revision 2 (September 2002)
Case ID No.	36250			PCW Revision June 12, 2008
Reg. Ent. Reference No.	RN102676012			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Tel Croston			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(f)(3) and 290.122(b)(2), and Tex. Health & Safety Code § 341.031(a)			
Violation Description	Exceeded the Maximum Contaminant Level ("MCL") for total coliform and failed to provide public notice for exceeding the MCL for total coliform for the months of August and October 2007 and February 2008.			
		Base Penalty	\$1,000	
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual		x	
	Potential			
			Percent	25%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
			Percent	0%
Matrix Notes	The presence of coliform bacteria is an indication that the water supply is contaminated with a significant amount of contaminants which do not exceed levels protective of human health.			
		Adjustment	\$750	
			\$250	
Violation Events				
	Number of Violation Events	3	Number of violation days	90
mark only one with an x	daily			
	monthly		x	
	quarterly			
	semiannual			
	annual			
	single event			
			Violation Base Penalty	\$750
	Three monthly events are recommended, one for each month that the system exceeded the MCL for total coliform.			
Good Faith Efforts to Comply				
		25.0% Reduction		\$187
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary				
Ordinary	x			
N/A			(mark with x)	
Notes	The Respondent came into compliance with the MCL on April 1, 2008.			
			Violation Subtotal	\$563
Economic Benefit (EB) for this violation				
	Estimated EB Amount	\$161	Violation Final Penalty Total	\$931
			This violation Final Assessed Penalty (adjusted for limits)	\$931

Economic Benefit Worksheet

Respondent: City of Cresson
Case ID No.: 36250
Reg. Ent. Reference No.: RN102676012
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	1-Aug-2007	27-Feb-2008	1.49	\$11	\$150	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to provide additional oversight to ensure the water supply is adequately disinfected and free of deleterious matter and to post public notice of the violation, calculated for the months in which the violations occurred.

Approx. Cost of Compliance \$150

TOTAL \$161

Screening Date	17-Jul-2008	Docket No.	2008-1203-PWS-E	PCW
Respondent	City of Cresson	Policy Revision 2 (September 2002)		
Case ID No.	36250	PCW Revision June 12, 2008		
Reg. Ent. Reference No.	RN102676012			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Tel Croston			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(3)(A)(ii) and 290.122(b)(2)			
Violation Description	Failed to collect a set of repeat samples within 24 hours of being notified of a coliform-positive sample result and failed to provide public notice of the failure to collect repeat samples for the months of August and October 2007 and February 2008.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential	x			Percent 25%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
				Percent 0%
Matrix Notes	Failure to sample may allow a significant amount of undetected contaminants that exceed levels that are protective of human health to be distributed to the public for human consumption.			
Adjustment				\$750
				\$250
Violation Events				
Number of Violation Events	3	Number of violation days	90	
mark only one with an x	daily			
	monthly	x		
	quarterly			
	semiannual			
	annual			
	single event			
Violation Base Penalty				\$750
Three monthly events are recommended, one for each month samples were not taken.				
Good Faith Efforts to Comply				
0.0% Reduction				\$0
	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 for this violation.			
Violation Subtotal				\$750
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount	\$161	Violation Final Penalty Total	\$1,118	
This violation Final Assessed Penalty (adjusted for limits)				\$1,118

Economic Benefit Worksheet

Respondent: City of Cresson
Case ID No.: 36250
Reg. Ent. Reference No.: RN102676012
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	31-Aug-2007	28-Feb-2008	1.41	\$11	\$150	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct required sampling and to post public notice of the violation. The beginning date is the first month sampling was required, the end date is the last month the sampling was not conducted.

Approx. Cost of Compliance

\$150

TOTAL

\$161

Screening Date 17-Jul-2008	Docket No. 2008-1203-PWS-E	PCW	
Respondent City of Cresson	Policy Revision 2 (September 2002)		
Case ID No. 36250	PCW Revision June 12, 2008		
Reg. Ent. Reference No. RN102676012			
Media [Statute] Public Water Supply			
Enf. Coordinator Tel Croston			
Violation Number 3			
Rule Cite(s)	30 Tex. Admin. Code §§ 290.109(c)(2)(F) and 290.122(b)(2)		
Violation Description	Failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to collect the appropriate number of samples for the months of September and November 2007 and March 2008.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Release			
Actual			
Potential	x		
Percent			25%
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification			
Actual			
Potential			
Percent			0%
Matrix Notes	Failure to sample may allow a significant amount of undetected contaminants that exceed levels that are protective of human health to be distributed to the public for human consumption.		
Adjustment		\$750	
		\$250	
Violation Events			
Number of Violation Events 3		Number of violation days 90	
mark only one with an x	daily		
	monthly	x	
	quarterly		
	semiannual		
	annual		
	single event		
Violation Base Penalty			\$750
Three monthly events are recommended, one for each month samples were not collected.			
Good Faith Efforts to Comply		0.0% Reduction	
		\$0	
	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 for this violation.		
Violation Subtotal		\$750	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount \$161		Violation Final Penalty Total \$1,118	
		This violation Final Assessed Penalty (adjusted for limits) \$1,118	

Economic Benefit Worksheet

Respondent: City of Cresson
Case ID No.: 36250
Reg. Ent. Reference No.: RN102676012
Media: Public Water Supply
Violation No.: 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$150	30-Sep-2007	31-Mar-2008	1.42	\$11	\$150	\$161
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to conduct required sampling and to post public notice of the violation. The beginning date is the first month sampling was required, the end date is the last month the sampling was not conducted.

Approx. Cost of Compliance \$150

TOTAL \$161

Compliance History

Customer/Respondent/Owner-Operator: CN603153487 City of Cresson Classification: AVERAGE Rating: 3.01
Regulated Entity: RN102676012 CITY OF CRESSON Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1260053
Location: JUANITA RD, SOUTH OF FM 171, CRESSON, JOHNSON COUNTY, TEXAS
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: July 24, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 24, 2003 to July 24, 2008

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

Name: Tel Croston Phone: (512) 239-5717

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? City of Cresson
4. If Yes, who was/were the prior owner(s)? Thomas Gibson
5. When did the change(s) in ownership occur? 2/9/2007

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 02/28/2007 (541087)
 - 2 04/12/2007 (543810)
 - 3 06/05/2007 (561476)
 - 4 04/10/2008 (670297)
 - 5 04/10/2008 (670574)
 - 6 06/20/2008 (686746)
 - 7 06/20/2008 (686748)
 - 8 06/20/2008 (686781)
 - 9 06/20/2008 (686749)
 - 10 06/20/2008 (686751)
 - 11 06/24/2008 (683905)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 03/06/2007 (541087)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to provide a sanitary control easement covering that portion on the land within 150-feet of the well location.
 - Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to provide a well casing which extends a minimum of 18 inches above the elevation of the adjacent natural ground.
 - Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description:	Failure to provide a concrete sealing block around the wellhead with a minimum thickness of six inches.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)		
Description:	Failure to properly seal the solution container lid to prevent the entry of dust, insects, and other contaminants.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to provide a plant operations manual.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(1)		
Description:	Failure to provide a roof vent on the elevated storage tank.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)		
Description:	Failure to provide the elevated storage tank with a properly designed overflow pipe which is equipped with a hinged flap valve. The flap valve must seat properly with a gap of no more than 1/16 inch.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide the elevated water storage tank with a liquid level indicator located at the tank site.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.43(e)		
Description:	Failure to provide an intruder-resistant fence in order to protect pump station #1. The fence must be at least six feet high and constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)		
Description:	Failure to provide a community groundwater water system, having 50 to 250 connections, with a well capacity of 0.6 gallon per minute per connection.	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)		
Description:	Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement.	Classification	Moderate
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(i)		
Description:	Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. These practices should include maintaining the elevated storage tank.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to conduct annual tank inspections.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to maintain the map of the distribution system current so that valves and mains may be easily located during emergencies.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(3)		
Description:	Failure to provide a copy of the well driller's log, to include geological log and material setting report.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate well meter devices at least once every 3 years.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to provide electrical wiring in a securely mounted conduit in compliance with a		

local or national electric code.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)
30 TAC Chapter 290, SubChapter F 290.110(b)(4)
Description: Failure to maintain a free chlorine residual of at least 0.2 mg/L throughout the distribution.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
Description: Failure to provide a minimum pressure of 35 psi throughout the entire distribution system under normal operating conditions.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 288, SubChapter B 288.20
Description: Failure to provide a drought contingency plan.
Date 06/04/2007 (561476)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to provide a sanitary control easement covering that portion on the land within 150-feet of the well location.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(B)
Description: Failure to provide a well casing which extends a minimum of 18 inches above the elevation of the adjacent natural ground.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)
Description: Failure to provide a concrete sealing block around the wellhead with a minimum thickness of six inches.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)
Description: Failure to properly seal the solution container lid to prevent the entry of dust, insects, and other contaminants.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failure to provide a plant operations manual.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
Description: Failure to provide a roof vent on the elevated storage tank.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
Description: Failure to provide the elevated storage tank with a properly designed overflow pipe which is equipped with a hinged flap valve. The flap valve must seat properly with a gap of no more than 1/16 inch.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
Description: Failure to provide the elevated water storage tank with a liquid level indicator located at the tank site.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to provide an intruder-resistant fence in order to protect pump station #1. The fence must be at least six feet high and constructed of wood, concrete, masonry, or metal with three strands of barbed wire extending outward from the top of the fence at a 45 degree angle.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
Description: Failure to provide a community groundwater water system, having 50 to 250 connections, with a well capacity of 0.6 gallon per minute per connection.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)
Description: Failure to adopt an adequate plumbing ordinance, regulations or a service agreement with provisions for proper enforcement.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)

Description:	Failure to complete a customer service inspection certificate prior to providing continuous water service to new construction.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to initiate maintenance and housekeeping practices to ensure the good working condition and general appearance of the system's facilities and equipment. These practices should include maintaining the elevated storage tank.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to conduct annual tank inspections.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(2)		
Description:	Failure to maintain the map of the distribution system current so that valves and mains may be easily located during emergencies.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(n)(3)		
Description:	Failure to provide a copy of the well driller's log, to include geological log and material setting report.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate well meter devices at least once every 3 years.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to provide electrical wiring in a securely mounted conduit in compliance with a local or national electric code.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to provide a minimum pressure of 35 psi throughout the entire distribution system under normal operating conditions.	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 288, SubChapter B 288.20		
Description:	Failure to provide a drought contingency plan.		
Date	09/13/2007 (686746)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(3)		
Description:	TCR Maximum Contaminant Level (MCL) 08/2007 System exceeded a Maximum Contaminant Level Violation.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)		
Description:	TCR MCL Public Notice (PN) 08/2007 Failure to post pn for exceeding a Maximum Contaminant Level Violation.		
Date	10/05/2007 (686749)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(f)(3)		
Description:	TCR Maximum Contaminant Level (MCL) 10/2007 System exceeded a Maximum Contaminant Level Violation.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.122(b)(2)(A)		
Description:	TCR MCL Public Notice (PN) 10/2007 Failure to post pn for exceeding a Maximum Contaminant Level Violation.		
Date	10/23/2007 (686746)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(3)(A)(ii)		
Description:	TCR Monitoring 08/2007 Failure to collect any repeat samples following a coliform found result.		
Date	12/20/2007 (686748)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(ii)		
Description:	TCR Increase Monitoring 09/2007 Failure to collect all of the 5 distribution samples		

following a coliform found month.

Date 01/31/2008 (686749)

Self Report? NO Classification Moderate

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

Description: TCR Monitoring 10/2007 Failure to collect any repeat samples following a coliform found result.

Date 02/14/2008 (686751)

Self Report? NO Classification Moderate

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

Description: TCR Increase Monitoring 11/2007 Failure to collect all of the 5 distribution samples following a coliform found month.

Date 04/10/2008 (670297)

Self Report? NO Classification Moderate

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

Description: BACT - NONACUTE MCL (5% OR >1)

Date 04/16/2008 (686781)

Self Report? NO Classification Moderate

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

Description: TCR Monitoring 02/2008 Failure to collect any repeat samples following a coliform found result.

Date 04/29/2008 (670574)

Self Report? NO Classification Moderate

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

Description: TCR Increase Monitoring 03/2008 Failure to collect all of the 5 distribution samples 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

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

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

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

4. The fourth part of the document addresses the challenges associated with data security and privacy. It stresses the importance of implementing robust security measures to protect sensitive information from unauthorized access and breaches.

5. The fifth part of the document provides a detailed overview of the data analysis process. It explains how statistical and analytical techniques are used to identify trends, patterns, and insights from the collected data.

6. The sixth part of the document discusses the importance of data visualization in communicating complex information. It describes how charts, graphs, and dashboards can be used to present data in a clear and accessible manner.

7. The seventh part of the document explores the role of data in strategic planning and decision-making. It highlights how data-driven insights can help organizations identify opportunities, assess risks, and make more effective strategic choices.

8. The eighth part of the document concludes by summarizing the key points discussed and emphasizing the ongoing nature of data management and analysis. It encourages organizations to continue investing in their data capabilities to stay competitive in a rapidly changing market.

1. Introduction	1
2. Data Collection Methods	5
3. Data Storage and Management	10
4. Data Security and Privacy	15
5. Data Analysis Techniques	20
6. Data Visualization	25
7. Data in Strategic Planning	30
8. Conclusion	35

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CRESSON
RN102676012

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-1203-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Cresson ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City 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, the City agrees to waive all notice and procedural rights.

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

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

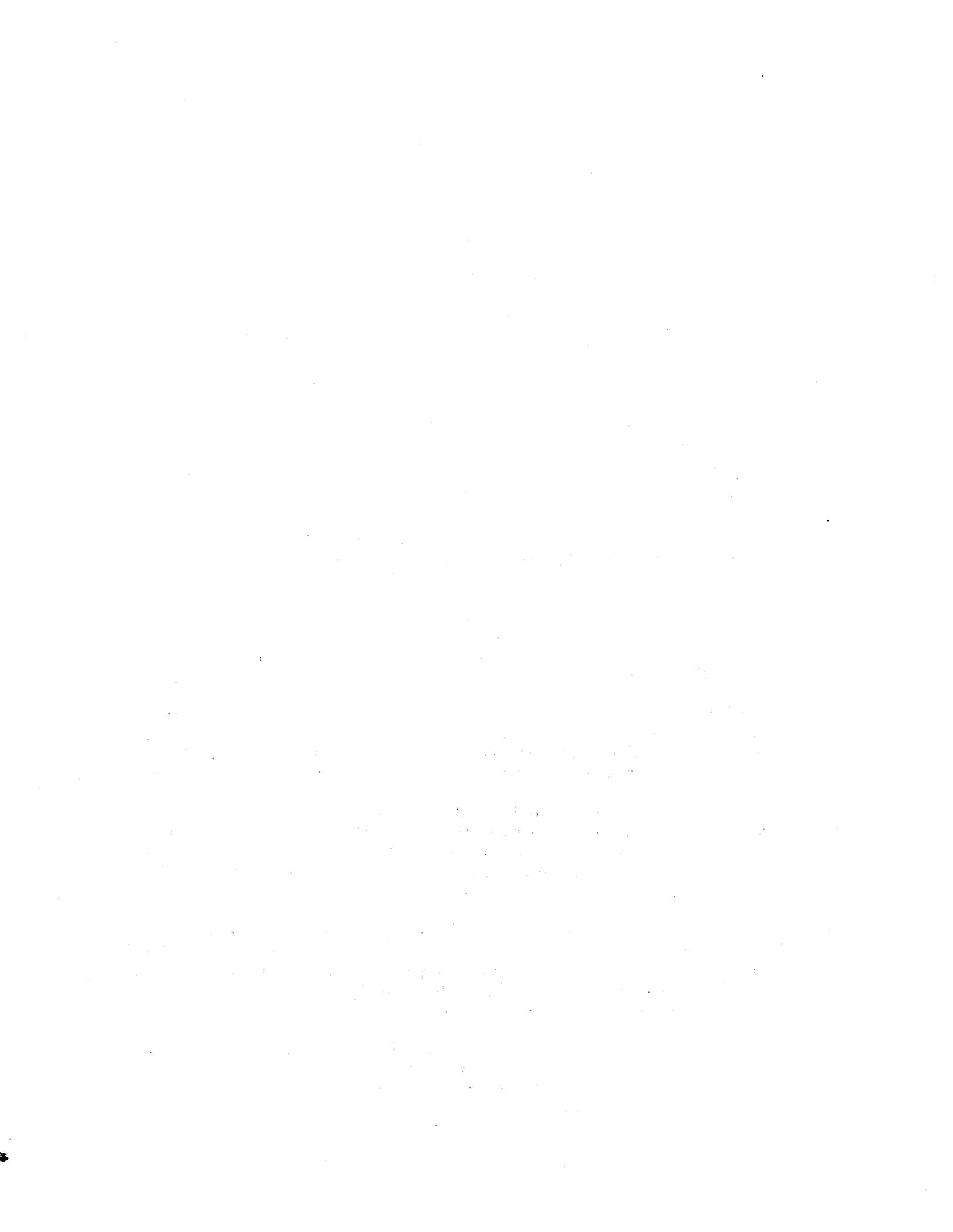
I. FINDINGS OF FACT

1. The City owns and operates a public water supply at Juanita Road, south of Farm-to-Market Road 171 in Cresson, Johnson County, Texas (the "Facility") that has approximately 75 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on June 19, 2008, TCEQ staff documented that the City:
 - a. Exceeded the Maximum Contaminant Level ("MCL") for total coliform and did not provide public notice for exceeding the MCL for total coliform for the months of August and October 2007 and February 2008;
 - b. Did not collect a set of repeat samples within 24 hours of being notified of a coliform-positive sample result and did not provide public notice of the failure to collect repeat samples for the months of August and October 2007 and February 2008; and
 - c. Did not collect five routine distribution coliform samples during the month following a total coliform-positive sample result and did not provide public notice of the failure to collect the appropriate number of samples for the months of September and November 2007 and March 2008.
3. The City received notice of the violations on June 25, 2008.
4. The Executive Director recognizes that the City delivered Public Notices to its customers on May 5, 2008 and came into compliance with the MCL for total coliform on April 1, 2008.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2.a, the City exceeded the MCL for total coliform and failed to provide public notice for exceeding the MCL for total coliform, in violation of 30 TEX. ADMIN. CODE §§ 290.109(f)(3) and 290.122(b)(2) and TEX. HEALTH & SAFETY CODE § 341.031(a), as documented in a record review conducted on June 19, 2008.
3. As evidenced by Findings of Fact No. 2.b, the City failed to collect a set of repeat samples within 24 hours of being notified of a coliform-positive sample result and failed to provide public notice of the failure to collect repeat samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(3)(A)(ii) and 290.122(b)(2), as documented in a record review conducted on June 19, 2008.
4. As evidenced by Findings of Fact No. 2.c, the City failed to collect five routine distribution coliform samples during the month following a total coliform-positive sample result and failed to provide public notice of the failure to collect the appropriate number of samples, in violation of 30 TEX. ADMIN. CODE §§ 290.109(c)(2)(F) and 290.122(b)(2), as documented in a record review conducted on June 19, 2008.
5. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City 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.



6. An administrative penalty in the amount of Three Thousand One Hundred Sixty-Five Dollars (\$3,165) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The City has paid the Three Thousand One Hundred Sixty-Five Dollar (\$3,165) administrative penalty.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Three Thousand One Hundred Sixty-Five Dollars (\$3,165) as set forth in Section II, Paragraph 6 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Cresson, Docket No. 2008-1203-PWS-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
4. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sadler
For the Executive Director

11/3/2008
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Cresson. I am authorized to agree to the attached Agreed Order on behalf of the City of Cresson, 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, the City of Cresson waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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

W.R. Cornett
Signature

8/27/08
Date

W. R. CORNETT
Name (Printed or typed)
Authorized Representative of
City of Cresson

MAYOR
Title

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

