EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2008-0268-PWS-E TCEQ ID: RN101243129 CASE NO.: 35380
RESPONDENT NAME: BARBARA MILLER DBA TURNER WATER SERVICE

ORDER TYPE:		
__1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
X FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 531 Marilyn Street, Fresno, Fort Bend County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: X Yes ___ No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired October 5, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Mr. Jim Sallans, Litigation Division, MC 175, (512) 239-2053
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Water Enforcement Section, MC R-13, (210) 403-4012
TCEQ Regional Contact: Mr. Stephen Smith, Houston Regional Office, MC R-12, (713) 767-3581
Respondent: Ms. Barbara Miller, Owner, Turner Water Service, P.O. Box 1189, Fresno, Texas 77545-1189
Respondent's Attorney: Not represented by counsel in this enforcement action.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Dates of Investigation Relating to this Case:** December 17, 2007 and February 18, 2008 **Dates of NOEs Relating to this Case:** January 21, 2008 and March 31, 2008 **Background Facts:** The EDPRP was filed on April 8, 2008. Additional violations were documented and the EDFARP was filed June 2, 2009 to include the new violations. The EDPRP and EDFARP were mailed to the Respondent via certified mail, return receipt requested and via first class mail, postage pre paid. The Respondent failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference. **Current Compliance Status:** The Respondent has not yet submitted documentation to certify compliance with the technical requirements. **PWS:** 1. Failed to have all production, treatment, and distribution facilities of the public water supply operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Commission [30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a)]. 2. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water supply that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use [30 TEX. ADMIN. CODE § 290.121(a) and (b)]. 3. Failed to have a sanitary control easement covering all property within 150 feet of the Facility's water supply well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].	**Total Assessed:** $11,714 **Total Deferred:** $0 ___ Expedited Order ___ Financial Inability to Pay ___ SEP Conditional Offset **Total Due to General Revenue:** $11,714 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. **Site Compliance History Classification:** N/A **Person Compliance History Classification:** N/A **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Ordering Provision/s:** The Respondent shall undertake the following technical requirements: 1. Immediately: a. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once every seven days; and b. Implement a customer service inspection program and begin completing customer service inspection certificates prior to providing continuous water service to new construction, on any existing service either when there is reason to believe that cross-connections or other potential contaminant hazard exist, or after any material improvement, correction, or addition to the private water distribution facilities. 2. Within 30 days: a. Employ a water works operator with a valid Class "D" or higher license issued by the Commission to ensure that all production, treatment, and distribution facilities of the water system are operated by an individual with the proper license; b. Develop and begin maintaining a chemical and microbiological monitoring plan for the Facility that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures that will be used; c. Initiate a maintenance and housekeeping program that is designed to ensure the good working condition and general appearance of the Facility's equipment, including repairing or replacing the leaking air/water ratio control device on the pressure tank, the corroded pressure gauge on the on the pressure tank, and the hole in the well house caused by the siding that is in disrepair; d. Complete an annual inspection of the Facility's pressure tank;

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
4. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days [30 TEX. ADMIN. CODE § 290.110(c)(4)(A)]. 5. Failed to initiate maintenance and housekeeping practices designed to ensure the good working condition and general appearance of the water system's facilities and equipment [30 TEX. ADMIN. CODE § 290.46(m)]. 6. Failed to provide a minimum pressure tank capacity of 50 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 7. Failed to perform an annual inspection of the Facility's one pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. 8. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction [30 TEX. ADMIN. CODE § 290.46(j)]. 9. Failed to mail or deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1st of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1st of each year [30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c)].		e. Mail or directly deliver a copy of the 2007 CCR to all bill paying customers of the water system and make a good faith effort to deliver a copy of the 2007 CCR to all non-bill paying consumers of the water system; and f. Submit to the Commission a copy of the 2007 CCR provided to customers of the water system and the certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with the compliance monitoring data. 3. Within 45 days shall certify compliance with Ordering Provision Nos. 1.a. through 2.f., above. 4. Within 90 days: a. Obtain a sanitary control easement covering all land within 150 feet of the Facility's well or obtain an exception to the easement requirement from the Commission; and b. Provide a minimum pressure tank capacity of 50 gallons per connection. 5. Within 105 days submit written certification to demonstrate compliance with Ordering Provisions Nos. 4.a. and 4.b.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision January 29, 2008*

TCEQ

DATES					
Assigned	22-Jan-2008				
PCW	8-Feb-2008	Screening	8-Feb-2008	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Barbara Miller dba Turner Water Service		
Reg. Ent. Ref. No.	RN101243129		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35380	No. of Violations	8
Docket No.	2008-0268-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $2,050

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 280% Enhancement — *Subtotals 2, 3, & 7* $5,740

Notes: The compliance history enhancement is due to one prior Default Order and 51 prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply — 0% Reduction — *Subtotal 5* $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.

0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,082
Approx. Cost of Compliance	$9,460

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $7,790

OTHER FACTORS AS JUSTICE MAY REQUIRE — 8% — *Adjustment* $624

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: The enhancement is recommended for recovery of the avoided costs of compliance.

Final Penalty Amount $8,414

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $8,414

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $8,414

EXHIBIT

tabbies

PCW-1

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

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*)	51	255%
	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%

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

Adjustment Percentage (Subtotal 2) 280%

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

N/A ***Adjustment Percentage (Subtotal 3)*** 0%

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

N/A ***Adjustment Percentage (Subtotal 7)*** 0%

>> **Compliance History Summary**

Compliance History Notes The compliance history enhancement is due to one prior Default Order and 51 prior Notices of Violation ("NOVs") containing violations that are the same as or similar to the violations in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 280%

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e) and Tex. Health & Safety Code § 341.033(a)

Violation Description Failed to have all production, treatment, and distribution facilities of the public water supply operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Commission. Specifically, at the time of the investigation, the Respondent stated that the Facility is not being operated by a licensed individual.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have a licensed operator for the water supply could result in ineffective operation of the system which could include water shortages or distribution of improperly treated water. This could cause customers of the water supply to be exposed to significant amounts of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 2 | 53 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended, calculated from the date of the investigation, December 17, 2007, to the date of case screening, February 8, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $457

Statutory Limit Test

Violation Final Penalty Total $2,052

This violation Final Assessed Penalty (adjusted for limits) $2,052

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Avoided Costs (ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs))							
Disposal				0.0	$0	$0	$0
Personnel	$3,000	17-Dec-2007	8-Feb-2008	0.1	$22	$436	$457
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 DELAYED costs

Notes for AVOIDED costs: The avoided cost includes the annual amount to employ a Class D water works operator for a facility with 17 connections, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance: $3,000

TOTAL: $457

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a) and (b)

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water supply that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use. Specifically, on the date of the investigation, the Respondent stated that the Facility had no monitoring plan.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirements were not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 1

53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $410

This violation Final Assessed Penalty (adjusted for limits) $410

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$100	17-Dec-2007	31-Oct-2008	0.9	$0	$6	$6
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: The delayed costs include the amount to prepare and maintain a chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $100

TOTAL: $6

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description Failed to have a sanitary control easement covering all property within 150 feet of the water supply's well.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have a sanitary control easement or an exception to the easement requirement could result in unauthorized activities occurring around the well site which could cause contamination of the water supply. As a consequence, customers of the water system could be exposed to insignificant amounts of contaminants, which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $15

Statutory Limit Test

Violation Final Penalty Total $205

This violation Final Assessed Penalty (adjusted for limits) $205

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$200	17-Dec-2007	31-Dec-2008	1.0	$1	$14	$15
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: The delayed costs include the amount to obtain a sanitary control easement and have that easement properly deed recorded or obtain an exception to the easement requirement, calculated from the date of the investigation to the estimated date of compliance.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $15

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.110(c)(4)(A)

Violation Description Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days. Specifically, at the time of the investigation, no monitoring of the disinfectant residual was being performed at the Facility.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

OR

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to monitor the disinfectant residual on a weekly basis could result in nondetection of low or non-existant chlorine levels and would allow contaminants to be distributed through the water system. As a consequence, customers of the water system could be exposed to significant levels of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 2

53 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $500

Two monthly events are recommended, calculated from the date of the investigation, December 17, 2007, to the date of case screening, February 8, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $40

Statutory Limit Test

Violation Final Penalty Total $2,052

This violation Final Assessed Penalty (adjusted for limits) $2,052

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	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	$260	17-Dec-2007	8-Feb-2008	0.1	$2	$38	$40
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	The avoided costs include the annual amount to conduct weekly monitoring of the water system's disinfectant residual, calculated from the date of the investigation to the screening date.						

Approx. Cost of Compliance: $260

TOTAL: $40

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)

Violation Description Failed to initiate maintenance and housekeeping practices designed to ensure the good working condition and general appearance of the water system's facilities and equipment. Specifically, at the time of the investigation the air/water ratio control device on the pressure tank was leaking, the pressure gauge on the pressure tank was heavily corroded and did not move when the well pump cycled, and the siding on the well house was pulling away from the well house frame and creating a hole through which contaminants could enter.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to maintain the water system and the equipment could result in exposure of the customers to significant amounts of contaminants which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 3 | 53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $300

Three quarterly events are recommended (one event for each item in disrepair), calculated from the date of the investigation, December 17, 2007, to the date of case screening, February 8, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $37

Statutory Limit Test

Violation Final Penalty Total $1,231

This violation Final Assessed Penalty (adjusted for limits) $1,231

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$200	17-Dec-2007	31-Oct-2008	0.9	$1	$12	$12
Buildings	$200	17-Dec-2007	31-Oct-2008	0.9	$1	$12	$12
Other (as needed)	$200	17-Dec-2007	31-Oct-2008	0.9	$1	$12	$12
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: The delayed costs include the amount to repair or replace the leaking air/water ratio control device on the pressure tank, the corroded pressure gauge on the pressure tank, and the hole in the siding on the well house, calculated from the date of the investigation to the estimated date of compliance.

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

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:

Approx. Cost of Compliance: $600

TOTAL: $37

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, with 17 connections, the system should provide a minimum pressure tank capacity of 850 gallons. However, the system currently provides a pressure tank capacity of 650 gallons, which is a 27% deficiency.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Without sufficient pressure tank capacity, customers of the water system could experience water shortages or outages and the system's ability to provide a safe and reliable water supply could be impaired. As a consequence, customers of the water supply could be exposed to significant amounts of contamination which would not exceed levels that are protective of human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 1 | 53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended, calculated from the date of the investigation, December 17, 2007, to the date of screening, February 8, 2008.

Economic Benefit (EB) for this violation

Estimated EB Amount $364

Statutory Limit Test

Violation Final Penalty Total $410

This violation Final Assessed Penalty (adjusted for limits) $410

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$5,000	17-Dec-2007	31-Dec-2008	1.0	$17	$347	$364
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: The delayed costs include the amount to increase the pressure tank capacity to provide a minimum of 50 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $364

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision January 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)(B)

Violation Description Failed to perform an annual inspection of the water system's one pressure tank. On the date of the investigation, the Respondent indicated that no inspection had been performed on the pressure tank.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Complete failure to perform an inspection of the pressue tank could result in non-detection of a tank defect causing loss of tank integrity. As a consequence, customers of the water supply could be exposed to significant amounts of contamination which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

1 — 53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $250

One annual event is recommended, calculated for the year preceding the investigation date, December 17, 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $158

Statutory Limit Test

Violation Final Penalty Total $1,026

This violation Final Assessed Penalty (adjusted for limits) $1,026

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 7

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	$150	17-Dec-2006	17-Dec-2007	1.0	$8	$150	$158
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	The avoided cost includes the amount to conduct an annual inspection of the pressure tank, calculated for the one year prior to the date of the investigation.						

Approx. Cost of Compliance: $150

TOTAL: $158

Screening Date 8-Feb-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Policy Revision 2 (September 2002)

PCW Revision January 29, 2008

Respondent Barbara Miller dba Turner Water Service

Case ID No. 35380

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(j)

Violation Description Failed to complete a customer service inpection certificate prior to providing continuous water service to new construction. Specifically, the investigator found that a new home was added to the system since the time of his last inspection in November of 2005, yet no customer service inspection certificate was completed for this residence prior to connecting it to the water system.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to perform a customer service inspection and issue a certificate could result in non-detection of cross connections or backflow prevention problems that could cause customers of the water system to be exposed to significant amounts of contaminants, which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

1 — 53 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $250

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $1,026

This violation Final Assessed Penalty (adjusted for limits) $1,026

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 8

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							
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	$150	17-Dec-2007	1-Oct-2008	0.8	$6	n/a	$6
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: The delayed cost includes the amount to establish a customer service inspection program and to begin maintaining the inspection certificates, calculated from the date of the investigation to the estimated date of compliance.

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $150

TOTAL: $6

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:	February 07, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	February 07, 2003 to February 07, 2008			

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	Yes
3. If Yes, who is the current owner?	TURNER, BARBARA
4. if Yes, who was/were the prior owner(s)?	TURNER, CRAIG
5. When did the change(s) in ownership occur?	5/31/2007

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

EXHIBIT
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CH-1

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
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)
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)
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 monitorings sample in 11/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
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)
Description: Failure to take a routine monitorings sample in 01/2004.

Classification: Moderate

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

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 02/2004.

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)
55 01/18/2008 (612586)

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

1 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.

2 Date: 06/02/2003 (348904)

Self Report? NO Classification: Moderate

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

3 Date: 07/16/2003 (348913)

Self Report? NO Classification: Moderate

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

4 Date: 08/15/2003 (348914)

Self Report? NO Classification: Moderate

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

5 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.

6 Date: 10/15/2003 (348951)

Self Report? NO Classification: Moderate

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

7 Date: 11/06/2003 (348954)

Self Report? NO Classification: Moderate

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

8 Date: 12/03/2003 (348956)

Self Report? NO Classification: Moderate

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

9 Date: 01/13/2004 (348962)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
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 monitorings sample in 11/2003.

10 Date: 01/28/2004 (348968)

Self Report? NO Classification: Moderate

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

11 Date: 02/27/2004 (349011)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
Description: Failure to take a routine monitorings 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.

12 Date: 03/30/2004 (349051)

Self Report? NO Classification: Moderate

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

13 Date: 05/05/2004 (349081)

Self Report? NO Classification: Moderate

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

14 Date: 05/26/2004 (349110)

Self Report? NO Classification: Moderate

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

15 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)
Description: Failure to take a routine monitoring sample for 05/2004.

16 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.

17 Date: 08/27/2004 (349164)

Self Report? NO Classification: Moderate

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

18 Date: 10/01/2004 (349182)

Self Report? NO Classification: Moderate

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

19 Date: 10/29/2004 (349224)

Self Report? NO Classification: Moderate

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

20 Date: 11/30/2004 (372040)

Self Report? NO Classification: Moderate

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

21 Date: 12/28/2004 (372045)

Self Report? NO Classification: Moderate

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

22 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)
Description: Failure to collect a routine monitoring sample in 12/2004.

23 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.

24 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.

25 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.

26 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.

27 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.

28 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.

29 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.

30 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.

31 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.

32 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.

33 Date: 12/19/2005 (449509)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
5A THSC Chapter 341, SubChapter A 341.033(a)

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: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)
30 TAC Chapter 290, SubChapter F 290.109(c)(2)
30 TAC Chapter 290, SubChapter F 290.109(d)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failure to submit at least one sample of water collected from the distribution system each month to a TCEQ certified laboratory for bacteriological analysis.

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 chlorine residual tests on water collected from various locations within the distribution system at least once every seven days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
Description: Failure to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, the air/water ratio control device on the pressure tank was leaking, the pressure guage on the pressure tank was heavily corroded and the indicator did not move when the well pump cycled, and the well house was in disrepair with a large gap in the wall where the siding had separated from the frame of the 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 level for the constituent manganese, which is 0.05 mg/l. The most recent chemical analysis of the water from this system reveals that the manganese concentration is 0.062 mg/l.

34 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.

35 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.

36 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.

37 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.

38 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.

39 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.

40 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.

41 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.

42 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.

43 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.

44 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.

45 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.

46 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.

47 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.

48 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.

49 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.

50 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.

51 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.

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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision April 29, 2008*

TCEQ

DATES					
Assigned	5-May-2008				
PCW	13-Jun-2008	Screening	9-Jun-2008	EPA Due	28-Feb-2002

RESPONDENT/FACILITY INFORMATION

Respondent	Barbara Miller dba Turner Water Service		
Reg. Ent. Ref. No.	RN101243129		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	35380	No. of Violations	1
Docket No.	2008-0268-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $700

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 292.0% Enhancement — *Subtotals 2, 3, & 7* $2,044

Notes: The compliance history enhancement is due to one prior Default Order, 53 prior Notices of Violation ("NOVs") containing violations that are similar to the violations in the current enforcement action, and one prior NOV containing dissimilar violations.

Culpability No — 0.0% Enhancement — *Subtotal 4* $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0.0% Reduction — *Subtotal 5* $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.

0.0% Enhancement* — *Subtotal 6* $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$556
Approx. Cost of Compliance	$413

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $2,744

OTHER FACTORS AS JUSTICE MAY REQUIRE 20.3% — *Adjustment* $556

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: An enhancement is recommended to recover the avoided costs of compliance.

Final Penalty Amount $3,300

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $3,300

DEFERRAL 0.0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $3,300

EXHIBIT

tabbies

PCW-2

Screening Date 9-Jun-2008 **Docket No.** 2008-0268-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision April 29, 2008

Respondent Barbara Miller dba Turner Water Service

Case ID No. 35380

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

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*)	53	265%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%

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

Adjustment Percentage (Subtotal 2) 292%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The compliance history enhancement is due to one prior Default Order, 53 prior Notices of Violation ("NOVs") containing violations that are similar to the violations in the current enforcement action, and one prior NOV containing dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 292%

Screening Date 9-Jun-2008 **Docket No.** 2008-0268-PWS-E **PCW**

Respondent Barbara Miller dba Turner Water Service *Policy Revision 2 (September 2002)*

Case ID No. 35380 *PCW Revision April 29, 2008*

Reg. Ent. Reference No. RN101243129

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 290.271(b) and 290.274(a) and (c)

Violation Description Failed to mail or directly deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1 of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data to the TCEQ by July 1 of each year. Specifically, the Respondent did not mail or directly deliver the CCRs to the water system's customers for the years 2000 through 2006, nor did the Respondent submit the CCRs or the required certification to the TCEQ for the years 2000 through 2006.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment $900

$100

Violation Events

Number of Violation Events 7 | 2190 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $700

Seven annual events are recommended for the years in which no CCR or certification of delivery was submitted to the TCEQ.

Economic Benefit (EB) for this violation

Estimated EB Amount $556

Statutory Limit Test

Violation Final Penalty Total $3,300

This violation Final Assessed Penalty (adjusted for limits) $3,300

Economic Benefit Worksheet

Respondent Barbara Miller dba Turner Water Service
Case ID No. 35380
Reg. Ent. Reference No. RN101243129
Media Public Water Supply
Violation No. 1

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							
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]	$413	1-Jul-2001	1-Jul-2007	6.92	$143	$413	$556
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount to provide a copy of the CCR to the customers of the water system and to the TCEQ, calculated for the years in which no CCR was provided.						

Approx. Cost of Compliance: $413

TOTAL: $556

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 WATER LICENSING	REGISTRATION LICENSE	0790190 0790190
Location:	531 MARILYN ST, FRESNO, FORT BEND COUNTY, TX, 77545		
TCEQ Region:	REGION 12 - HOUSTON		
Date Compliance History Prepared:	June 11, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 11, 2003 to June 11, 2008		

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period?	Yes
2. Has there been a (known) change in ownership of the site during the compliance period?	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?	31-May-07

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

EXHIBIT
tabbies
CH-2

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)
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)
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)
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)
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 monitorings sample in 11/2003.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
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)
Description: Failure to take a routine monitorings sample in 01/2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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)
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
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 02/2004.

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	07/16/2003	(348913)
2	08/15/2003	(348914)
3	09/17/2003	(348918)
4	10/15/2003	(348951)
5	11/06/2003	(348954)
6	12/03/2003	(348956)
7	01/13/2004	(348962)
8	01/28/2004	(348968)
9	02/27/2004	(349011)
10	03/30/2004	(349051)
11	05/05/2004	(349081)
12	05/26/2004	(349110)
13	07/02/2004	(349118)
14	07/29/2004	(349128)
15	08/27/2004	(349164)
16	09/23/2004	(334319)
17	10/01/2004	(349182)
18	10/29/2004	(349224)
19	11/30/2004	(372040)
20	12/28/2004	(372045)
21	01/28/2005	(372048)
22	03/03/2005	(563016)
23	03/03/2005	(372252)
24	04/01/2005	(563119)
25	05/02/2005	(563147)
26	05/31/2005	(563238)
27	06/27/2005	(563258)
28	07/27/2005	(563306)

29	08/25/2005	(563323)
30	10/03/2005	(563333)
31	10/31/2005	(563377)
32	12/01/2005	(563420)
33	12/19/2005	(449509)
34	12/21/2005	(563432)
35	01/25/2006	(563439)
36	02/23/2006	(563458)
37	03/22/2006	(563463)
38	04/28/2006	(563473)
39	05/26/2006	(563502)
40	06/27/2006	(563507)
41	07/31/2006	(563516)
42	08/25/2006	(563521)
43	09/25/2006	(563530)
44	10/25/2006	(563562)
45	11/21/2006	(563573)
46	12/21/2006	(563638)
47	01/26/2007	(563646)
48	02/15/2007	(644116)
49	02/21/2007	(563666)
50	03/15/2007	(644232)
51	03/29/2007	(563708)
52	04/15/2007	(644372)
53	04/25/2007	(563722)
54	05/01/2007	(644520)
55	05/15/2007	(644623)
56	05/25/2007	(563735)
57	06/01/2007	(644748)
58	06/15/2007	(644883)
59	06/26/2007	(564890)
60	07/01/2007	(645021)
61	07/15/2007	(645212)
62	08/01/2007	(645396)
63	08/15/2007	(645562)
64	09/01/2007	(645727)
65	10/01/2007	(645853)
66	11/01/2007	(646032)
67	01/18/2008	(612586)
68	04/10/2008	(670446)
69	04/25/2008	(680939)
70	05/09/2008	(654961)

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

1 Date: 07/16/2003 (348913)

Self Report? NO Classification: Moderate

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

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.

2 Date: 08/15/2003 (348914)

Self Report? NO Classification: Moderate

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

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.

3 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.

4 Date: 10/15/2003 (348951)

Self Report? NO Classification: Moderate

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

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.

5 Date: 11/06/2003 (348954)

Self Report? NO Classification: Moderate

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

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.

6 Date: 12/03/2003 (348956)

Self Report? NO Classification: Moderate

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

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.

7 Date: 01/13/2004 (348962)

Self Report? NO Classification: Moderate

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

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 monitorings sample in 11/2003.

8 Date: 01/28/2004 (348968)

Self Report? NO Classification: Moderate

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

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.

9 Date: 02/27/2004 (349011)

Self Report? NO Classification: Moderate

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

Description: Failure to take a routine monitorings 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.

10 Date: 03/30/2004 (349051)

Self Report? NO Classification: Moderate

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

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.

11 Date: 05/05/2004 (349081)

Self Report? NO Classification: Moderate

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

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.

12 Date: 05/26/2004 (349110)

Self Report? NO Classification: Moderate

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

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.

13 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)

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

14 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)

Description: FAILURE TO POST A PN FOR NOT TAKING A ROUTINE MONITORING SAMPLE FOR 06/2004.

15 Date: 08/27/2004 (349164)

Self Report? NO Classification: Moderate

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

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.

16 Date: 10/01/2004 (349182)

Self Report? NO Classification: Moderate

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

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.

17 Date: 10/29/2004 (349224)

Self Report? NO Classification: Moderate

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

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.

18 Date: 11/30/2004 (372040)

Self Report? NO Classification: Moderate

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

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.

19 Date: 12/28/2004 (372045)

Self Report? NO Classification: Moderate

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

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.

20 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)

Description: Failure to collect a routine monitoring sample in 12/2004.

21 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.

22 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.

23 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.

24 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.

25 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.

26 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.

27 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.

28 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.

29 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.

30 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.

31 Date: 12/19/2005 (449509)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)
5A THSC Chapter 341, SubChapter A 341.033(a)

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: Major

Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)
30 TAC Chapter 290, SubChapter F 290.109(c)(2)
30 TAC Chapter 290, SubChapter F 290.109(d)
5A THSC Chapter 341, SubChapter A 341.033(d)

Description: Failure to submit at least one sample of water collected from the distribution system each month to a TCEQ certified laboratory for bacteriological analysis.

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 chlorine residual tests on water collected from various locations within the distribution system at least once every seven days.

Self Report? NO Classification: Minor

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

Description: Failure to maintain the good working condition and general appearance of the system's facilities and equipment. Specifically, on the date of the investigation, the air/water ratio control device on the pressure tank was leaking, the pressure guage on the pressure tank was heavily corroded and the indicator did not move when the well pump cycled, and the well house was in disrepair with a large gap in the wall where the siding had separated from the frame of the 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 level for the constituent manganese, which is 0.05 mg/l. The most recent chemical analysis of the water from this system reveals that the manganese concentration is 0.062 mg/l.

32 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.

33 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.

34 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.

35 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.

36 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.

37 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.

38 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.

39 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.

40 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.

41 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.

42 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.

43 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.

44 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.

45 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.

46 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.

47 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.

48 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.

49 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.

50 Date: 06/15/2007 (644883)

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 05/2007

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 05/2007

51 Date: 07/15/2007 (645212)

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 06/2007

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 6/2007

52 Date: 08/15/2007 (645562)

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 7/2007

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 7/2007

53 Date: 04/10/2008 (670446)

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 8/2007

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 8/2007

54 Date: 04/25/2008 (680939)

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 9/2007

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 9/2007

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

DEFAULT ORDER
DOCKET NO. 2008-0268-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, ("Commission" or "TCEQ") considered the Executive Director's First Amended Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341, 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 provides water for human consumption, has 17 service connections, and serves at least 25 people per day at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).

3. During an inspection on December 17, 2007, a TCEQ Houston Regional Office investigator documented that Ms. Miller:

   a. Failed to have all production, treatment, and distribution facilities of the public water supply operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Commission;

   b. Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water supply that identifies all sampling locations, describes

the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use;

c. Failed to have a sanitary control easement covering all property within 150 feet of the Facility's water supply well;

d. Failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days;

e. Failed to initiate maintenance and housekeeping practices designed to ensure the good working condition and general appearance of the water system's facilities and equipment. Specifically, the air/water ratio control device on the pressure tank was leaking, the pressure gauge on the pressure tank was heavily corroded and did not move when the well pump cycled, and the siding on the well house was pulling away from the well house frame and creating a hole through which contaminants could enter;

f. Failed to provide a minimum pressure tank capacity of 50 gallons per connection. Specifically, with 17 connections the system should provide a minimum pressure tank capacity of 850 gallons. On the date of the inspection, pressure tank capacity was only 650 gallons, which is 27% deficient;

g. Failed to perform an annual inspection of the Facility's one pressure tank; and

h. Failed to complete a customer service inspection certificate prior to providing continuous water service to new construction. Specifically, the investigator found that a new home had been added to the system since the time of last inspection in November 2005, and no customer service inspection certificate was completed for this residence prior to connecting it to the water system.

4. During a record review inspection conducted on February 18, 2008, a TCEQ Central Office investigator documented that Ms. Miller failed to mail or deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1st of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data provided to the TCEQ by July 1st of each year. Specifically, Ms. Miller did not mail or directly deliver the CCRs to the water systems customers for the years 2000 through 2006, nor did the she submit the CCRs or the required certification to the TCEQ for the years 2000 through 2006.

5. Ms. Miller received notices of the violations on or about January 26, 2008 and April 5, 2008.

6. The Executive Director filed the "Executive Directors 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 Clerks office on April 25, 2008.

7. By letter dated April 25, 2008, 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. The Executive Director filed the "Executive Directors First Amended 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 "EDFARP") in the TCEQ Chief Clerk's office on June 2, 2009.

9. By letter dated June 2, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Ms. Miller with notice of the EDFARP. 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 EDFARP.

10. More than 20 days have elapsed since Ms. Miller received notice of the EDPRP and EDFARP, provided by the Executive Director. Ms. Miller failed to file an answer, 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 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 3.a., Ms. Miller failed to have all production, treatment, and distribution facilities of the public water supply operated at all times under the direct supervision of a water works operator who holds an applicable, valid license issued by the Commission , in violation of 30 TEX. ADMIN. CODE § 290.46(e) and TEX. HEALTH & SAFETY CODE § 341.033(a).

3. As evidenced by Finding of Fact No. 3.b., Ms. Miller failed to develop and maintain an up-

to-date chemical and microbiological monitoring plan for the water supply that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).

4. As evidence by Finding of Fact No 3.c., Ms. Miller failed to have a sanitary control easement covering all property within 150 feet of the Facility's water supply well in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).

5. As evidence by Finding of Fact No 3.d., Ms. Miller failed to monitor the disinfectant residual at representative locations throughout the distribution system at least once every seven days in violation of 30 TEX. ADMIN. CODE § 290.110(c)(4)(A).

6. As evidence by Finding of Fact No 3.e., Ms. Miller failed to initiate maintenance and housekeeping practices designed to ensure the good working condition and general appearance of the water system's facilities and equipment in violation of 30 TEX. ADMIN. CODE § 290.46(m).

7. As evidence of Finding of Fact No 3.f., Ms. Miller failed to provide a minimum pressure tank capacity of 50 gallons per connection in violation of 30 TEX. ADMIN. CODE § 290.45 (b)(1)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).

8. As evidence of Finding of Fact No 3.g., Ms. Miller failed to perform an annual inspection of the Facility's one pressure tank in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).

9. As evidence of Finding of Fact No 3.h., Ms. Miller failed to complete a customer service inspection certificate prior to providing continuous water service to new construction in violation of 30 TEX. ADMIN. CODE § 290.46(j).

10. As evidence of Finding of Fact No. 4., Ms. Miller failed to mail or deliver one copy of the Consumer Confidence Report ("CCR") to each bill paying customer by July 1st of each year and failed to submit a copy of the annual CCR and certification that the CCR has been distributed to the customers of the water system and that the information in the CCR is correct and consistent with compliance monitoring data provided to the TCEQ by July 1st of each year in violation of 30 TEX. ADMIN. CODE §§ 290.271(b) and 290.274(a) and (c).

11. As evidenced by Finding of Fact Nos. 6, 7, 8, and 9, the Executive Director timely served Ms. Miller with proper notice of the EDPRP and EDFARP, as required by TEX. HEALTH & CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).

12. As evidenced by Finding of Fact No. 10, Ms. Miller failed to file a timely answer to either the EDPRP or the EDFARP 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.

13. 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 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.

14. An administrative penalty in the amount of eleven thousand seven hundred fourteen dollars ($11,714.00) 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).

15. 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 eleven thousand seven hundred fourteen dollars ($11,714.00) for violations of state statutes and TCEQ rules. 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. 2008-0268-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:

i. Begin monitoring the disinfectant residual at representative locations throughout the distribution system at least once every seven days in accordance with 30 TEX. ADMIN. CODE § 290.110; and

ii. Implement a customer service inspection program and begin completing customer service inspection certificates prior to providing continuous water service to new construction, on any existing service either when there is reason to believe that cross-connections or other potential contaminant hazard exist, or after any material improvement, correction, or addition to the private water distribution facilities, in accordance with 30 TEX. ADMIN. CODE § 290.46.

b. Within 30 days of the effective date of this Commission Order, Ms. Miller shall:

i. Employ a water works operator with a valid Class "D" or higher license issued by the Commission to ensure that all production, treatment, and distribution facilities of the water system are operated by an individual with the proper license, in accordance with 30 TEX. ADMIN. CODE § 290.46;

ii. Develop and begin maintaining a chemical and microbiological monitoring plan for the Facility that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures that will be used, in accordance with 30 TEX. ADMIN. CODE § 290.121;

iii. Initiate a maintenance and housekeeping program that is designed to ensure the good working condition and general appearance of the Facility's equipment, including repairing or replacing the leaking air/water ratio control device on the pressure tank, the corroded pressure gauge on the on the pressure tank, and the hole in the well house caused by the siding that is in disrepair, in accordance with 30 TEX. ADMIN. CODE § 290.46;

iv. Complete an annual inspection of the Facility's pressure tank, in accordance with 30 TEX. ADMIN. CODE § 290.46.

v. Mail or directly deliver a copy of the 2007 CCR to all bill paying customers of the water system and make a good faith effort to deliver a copy of the 2007 CCR to all non-bill paying consumers of the water system, as required by 30 TEX. ADMIN. CODE §§ 290.271 and 290.274; and

vi. Submit to the Commission a copy of the 2007 CCR provided to customers of the water system and the certification that the CCR has been distributed to the

customers of the water system and that the information in the CCR is correct and consistent with the compliance monitoring data, as required by 30 TEX. ADMIN. CODE § 290.274. The copy of the CCR and the certification shall be mailed to:

Public Drinking Water Section, MC 155
Water Supply Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

c. Within 45 days after the effective date of this Commission Order, Ms. Miller shall certify compliance with Ordering Provision Nos. 2.a.i. through 2.b.vi., above, as described in Ordering Provision No. 2.f., below.

d. Within 90 days after the effective date of this Commission Order, Ms. Miller shall:

i. Obtain a sanitary control easement covering all land within 150 feet of the Facility's well or obtain an exception to the easement requirement from the Commission, in accordance with 30 TEX. ADMIN. CODE § 290.41; and

ii. Provide a minimum pressure tank capacity of 50 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.

e. Within 105 days after the effective date of the Commission Order, Ms. Miller shall certify compliance with Ordering Provision No. 2.d. above, as described in Ordering Provision No. 2.f. below.

f. The certifications required by Ordering Provision Nos. 2.c. and 2.e. shall include detailed supporting documentation including photographs, receipts, and/or other records necessary to document compliance. The certifications 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 and supporting documents 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:

David Livings, Water Section Manager
Texas Commission on Environmental Quality
Houston Regional Office
5425 Polk Street, Suite H
Houston, Texas 77023-1452

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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____

For the Commission

AFFIDAVIT OF JIM SALLANS

STATE OF TEXAS §
§
COUNTY OF TRAVIS §

"My name is Jim Sallans and 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, 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") was filed with the Office of the Chief Clerk on April 25, 2008.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, the "Executive Director's First Amended 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 "EDFARP") was filed with the Office of the Chief Clerk on June 2, 2009.

I sent the EDPRP and EDFARP to Ms. Miller at her last known address on April 25, 2008 and June 2, 2009 respectively, via certified mail, return receipt requested, and via first class mail, postage prepaid. In both cases, 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 and the EDFARP, 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 and EDFARP. Ms. Miller failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference".

Jim Sallans
Attorney
Texas Commission on Environmental Quality

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

Given under my hand and seal of office this 27th day of August, A.D., 2009.

Jacqueline Frances Duckworth
Notary Public
State of Texas
My Commission Expires
April 25, 2011

Notary Stamp

Notary Signature