

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0230-PWS-E **TCEQ ID:** RN105061436 **CASE NO.:** 37160

RESPONDENT NAME: Rodell Water System, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Rodell Water Supply, located at a recreational vehicle park south of the intersection between Highway 79 and Private Road 3100, Leon County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: 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 has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 29, 2009. No comments were received.

CONTACTS AND MAILING LIST:

- TCEQ Attorney/SEP Coordinator:** None
- TCEQ Enforcement Coordinator:** Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387
- Respondent:** Mr. Steven Torno, Owner/Director, Rodell Water System, Inc., P.O. Box 324, Buffalo, Texas 75831
- Respondent's Attorney:** Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 20, 2008</p> <p>Date of NOV/NOE Relating to this Case: January 9, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide a purchase water contract in order to properly evaluate the Facility's production, storage, service pump or pressure maintenance capacity [30 TEX. ADMIN. CODE § 290.45(f)(1), 290.45(f)(4) and 290.45(f)(5)].</p> <p>2) Failure to provide all Facility operating records for review at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(i)].</p> <p>3) Failure 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)].</p>	<p>Total Assessed: \$1,909</p> <p>Total Deferred: \$381 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,528</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system once every seven days; and</p> <p>ii. Begin compiling and maintaining all Facility operating records, including but not limited to maintaining records of the results of coliform sampling.</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a;</p> <p>c. Within 180 days after the effective date of this Agreed Order, provide a water purchase contract that authorizes a daily purchase rate, to meet a production capacity of 0.6 gallons per minute ("gpm") per connection and maintain an hourly purchase rate to meet a service pump capacity of 2.0 gpm per connection; and</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p>

Additional ID No(s): PWS 1450032



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

DATES	Assigned	26-Jan-2009			
	PCW	17-Feb-2009	Screening	12-Feb-2009	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Rodell Water System, Inc.
Reg. Ent. Ref. No.	RN105061436
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37160	No. of Violations	3
Docket No.	2009-0230-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	<i>Subtotal 1</i>	\$1,510
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	20.0% Enhancement	<i>Subtotals 2, 3, & 7</i>
Notes	Enhancement is due to one agreed final enforcement order containing a denial of liability.	
Culpability	0.0% Enhancement	<i>Subtotal 4</i>
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		<i>Subtotal 5</i>
		\$0
Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>
Total EB Amounts	\$423	\$0
Approx. Cost of Compliance	\$5,350	<small>*Capped at the Total EB \$ Amount</small>
SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$1,812
OTHER FACTORS AS JUSTICE MAY REQUIRE	3.3%	<i>Adjustment</i>
Notes	Reduces or enhances the Final Subtotal by the indicated percentage. Enhancement recommended for recovery of avoided cost of compliance.	
		<i>Final Penalty Amount</i>
		\$1,872
STATUTORY LIMIT ADJUSTMENT		<i>Final Assessed Penalty</i>
		\$1,909
DEFERRAL	20.0% Reduction	<i>Adjustment</i>
Notes	Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.) Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$1,528

Screening Date 12-Feb-2009	Docket No. 2009-0230-PWS-E	PCW
Respondent Rodell Water System, Inc.		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 37160		<i>PCW Revision October 30, 2008</i>
Reg. Ent. Reference No. RN105061436		
Media [Statute] Public Water Supply		
Enf. Coordinator Christopher Keffer		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

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) 20%

>> **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

Enhancement is due to one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 12-Feb-2009	Docket No. 2009-0230-PWS-E	PCW	
Respondent Rodell Water System, Inc.		<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 37160		<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No. RN105061436			
Media [Statute] Public Water Supply			
Enf. Coordinator Christopher Keffer			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(f)(1), 290.45(f)(4) and 290.45(f)(5)"/>		
Violation Description	<input type="text" value="Failed to provide a purchase water contract in order to properly evaluate the Facility's production, storage, service pump or pressure maintenance capacity. Specifically, at the time of the investigation, it was documented that the Facility does not have a purchase water contract with its provider. Since the Facility purchases water under direct pressure, the production and storage pump capacity could not be evaluated without a contract; therefore, the Facility's capacity is considered 100% deficient."/>		
	Base Penalty	<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual <input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
	Potential <input type="text" value="x"/>	<input type="text"/>	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="By failing to secure a purchase water contract, the Facility cannot ensure that it can meet its capacity demands. As a result, customers could be exposed to a significant amount of contaminants that exceed levels protective of human health."/>		
	Adjustment	<input type="text" value="\$750"/>	
			<input type="text" value="\$250"/>
Violation Events			
	Number of Violation Events <input type="text" value="3"/>	<input type="text" value="84"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$750"/>
	weekly	<input type="text"/>	
	monthly	<input type="text" value="x"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="Three monthly events are recommended from the date of the investigation, November 20, 2008, to the date of screening, February 12, 2009."/>			
Good Faith Efforts to Comply			<input type="text" value="0.0% Reduction"/> <input type="text" value="\$0"/>
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
			Violation Subtotal <input type="text" value="\$750"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$360"/>	Violation Final Penalty Total	<input type="text" value="\$930"/>
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$930"/>

Economic Benefit Worksheet

Respondent Rodell Water System, Inc.
Case ID No. 37160
Reg. Ent. Reference No. RN105061436
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	20-Nov-2008	30-Nov-2009	1.03	\$17	\$342	\$360
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
 The delayed costs include the amount to obtain a purchase water contract to meet the authorized daily production purchase rate of 0.6 gallons per minute ("gpm") per connection for production capacity and the authorized hourly purchase rate of 2.0 gpm per connection for service pump capacity, 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				0.00	\$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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$360

Screening Date 12-Feb-2009	Docket No. 2009-0230-PWS-E	PCW		
Respondent Rodell Water System, Inc.		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37160		<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN105061436				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(3)(D)(i)			
Violation Description	Failed to provide all Facility operating records for review at the time of the investigation. Specifically, at the time of the investigation, it was documented that there were no records of the results of coliform sampling.			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	x
				Percent <input type="text" value="1%"/>
Matrix Notes	Less than 30% of the rule requirement was not met.			
	Adjustment	<input type="text" value="\$990"/>		
		<input type="text" value="\$10"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="84"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>		
	weekly	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
	One single event is recommended.			
Good Faith Efforts to Comply				
	0.0% Reduction	<input type="text" value="\$0"/>		
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
	Violation Subtotal	<input type="text" value="\$10"/>		
Economic Benefit (EB) for this violation				
Statutory Limit Test				
	Estimated EB Amount	<input type="text" value="\$3"/>	Violation Final Penalty Total	<input type="text" value="\$12"/>
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$50"/>

Economic Benefit Worksheet

Respondent Rodell Water System, Inc.

Case ID No. 37160

Reg. Ent. Reference No. RN105061436

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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	\$100	20-Nov-2008	30-May-2009	0.52	\$3	n/a	\$3
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

The delayed costs include the amount necessary to ensure that all of the Facility's records are kept on file and made available for review, 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				0.00	\$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]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$3

Screening Date 12-Feb-2009	Docket No. 2009-0230-PWS-E	PCW															
Respondent Rodell Water System, Inc.		<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37160		<i>PCW Revision October 30, 2008</i>															
Reg. Ent. Reference No. RN105061436																	
Media [Statute] Public Water Supply																	
Enf. Coordinator Christopher Keffer																	
Violation Number <input type="text" value="3"/>																	
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, it was documented that the Facility was monitoring the disinfectant residual in the distribution system once a month.																
	Base Penalty	<input type="text" value="\$1,000"/>															
>> Environmental, Property and Human Health Matrix																	
OR	Harm																
	Major	Moderate	Minor														
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>														
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>														
	Percent		<input type="text" value="25%"/>														
>> Programmatic Matrix																	
	Major	Moderate	Minor														
	<input type="text"/>	<input type="text"/>	<input type="text"/>														
	Percent		<input type="text" value="0%"/>														
Matrix Notes	Failure to monitor the disinfectant residual at least once every seven days could result in customers of the Facility being exposed to significant amounts of undetected contaminants which would exceed levels protective of human health.																
	Adjustment		<input type="text" value="\$750"/>														
			<input type="text" value="\$250"/>														
Violation Events																	
Number of Violation Events	<input type="text" value="3"/>	Number of violation days	<input type="text" value="84"/>														
<i>mark only one with an x</i>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>weekly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="text"/></td></tr> </table>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input checked="" type="checkbox"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$750"/>
daily	<input type="text"/>																
weekly	<input type="text"/>																
monthly	<input checked="" type="checkbox"/>																
quarterly	<input type="text"/>																
semiannual	<input type="text"/>																
annual	<input type="text"/>																
single event	<input type="text"/>																
	Three monthly events are recommended from the date of the investigation, November 20, 2008, to the date of screening, February 12, 2009.																
Good Faith Efforts to Comply			<input type="text" value="0.0% Reduction"/> <input type="text" value="\$0"/>														
	Before NOV NOV to EDFRP/Settlement Offer																
Extraordinary	<input type="text"/>	<input type="text"/>															
Ordinary	<input type="text"/>	<input type="text"/>															
N/A	<input checked="" type="checkbox"/>	(mark with x)															
Notes	The Respondent does not meet the good faith criteria for this violation.																
	Violation Subtotal		<input type="text" value="\$750"/>														
Economic Benefit (EB) for this violation			Statutory Limit Test														
Estimated EB Amount	<input type="text" value="\$60"/>	Violation Final Penalty Total	<input type="text" value="\$930"/>														
	This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$930"/>														

Economic Benefit Worksheet

Respondent Rodell Water System, Inc.
Case ID No. 37160
Reg. Ent. Reference No. RN105061436
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$250	20-Nov-2008	12-Feb-2009	0.23	\$3	\$58	\$60
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount necessary (\$10 dollars per week) to ensure that the disinfectant residual is monitored once every seven days (\$270 was credited to the Facility for 12 samples taken during the past 12 months), calculated from the date of the investigation to the date of screening.

Approx. Cost of Compliance

\$250

TOTAL

\$60

Compliance History Report

Customer/Respondent/Owner-Operator:	CN603451816 Rodell Water System, Inc.	Classification:	Rating:
Regulated Entity:	RN105061436 RODELL WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1450032
Location:	RECREATIONAL VEHICLE PARK SOUTH OF THE INTERSECTION BETWEEN HIGHWAY 79 AND PRIVATE ROAD 3100		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	February 12, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 12, 2004 to February 12, 2009		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Christopher Keffer	Phone:	(512) 239-5610

Site Compliance History Components

- | | |
|--|----------------------------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | No |
| 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? | <u>Rodell Water System, Inc.</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Steve Torno</u> |
| 5. When did the change(s) in ownership occur? | <u>October 7, 2008</u> |
| 6. | |

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: 08/23/2007 | ADMINORDER 2006-1899-PWS-E |
| Classification: Major | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.39(m) | |
| Description: Failure to provide written notification to the commission of the startup of a new public water supply system or reactivation of an existing public water supply system. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3) | |
| Description: Failure to provide disinfection equipment to maintain the required minimum disinfectant residual. | |
| Classification: Minor | |
| Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(3)(A) | |
| Description: Failure to employ an operator with a proper license. | |
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
1 01/02/2009 (708941)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
N/A
- 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
RODELL WATER SYSTEM, INC.
RN105061436

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0230-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Rodell Water System, Inc. ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns a public water supply at a recreational vehicle park south of the intersection between Highway 79 and Private Road 3100 in Leon County, Texas (the "Facility") that has approximately 80 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about January 14, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Nine Hundred Nine Dollars (\$1,909) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Five Hundred Twenty-Eight Dollars (\$1,528) of the administrative penalty and Three Hundred Eighty-One Dollars (\$381) is deferred contingent upon

the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to provide a purchase water contract in order to properly evaluate the Facility's production, storage, service pump or pressure maintenance capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(1), 290.45(f)(4) and 290.45(f)(5), as documented during an investigation conducted on November 20, 2008.
2. Failed to provide all Facility operating records for review at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(i), as documented during an investigation conducted on November 20, 2008.
3. 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), as documented during an investigation conducted on November 20, 2008.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Rodell Water System, Inc., Docket No. 2009-0230-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. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order:
 - i. Begin monitoring and recording the disinfectant residual at representative locations in the distribution system once every seven days, in accordance with 30 TEX. ADMIN. CODE § 290.110; and
 - ii. Begin compiling and maintaining all Facility operating records, including but not limited to maintaining records of the results of coliform sampling, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 30 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.
 - c. Within 180 days after the effective date of this Agreed Order, provide a water purchase contract that authorizes a daily purchase rate, to meet a production capacity of 0.6 gallons per minute ("gpm") per connection and maintain an hourly purchase rate to meet a service pump capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are

significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

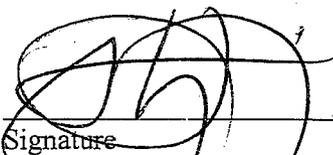
Date 6/3/2009

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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



Signature

Date 4/28/09

Name (Printed or typed)
STEVEN TORND
Authorized Representative of
Rodell Water System, Inc.

Title
Director

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

