

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2009-1213-PWS-E **TCEQ ID:** RN105507388 **CASE NO.:** 38059  
**RESPONDENT NAME:** Michael Sesso dba Sessos Country Market

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Sessos Country Market, 7991 West United States Highway 90, Val Verde County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 23, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> Mr. Michael Sesso, Owner, Sessos Country Market, 2400 Veterans Boulevard, Suite C, PMB 519, Del Rio, Texas 78840  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 9, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> July 17, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide a minimum pressure tank capacity of 220 gallons [30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(e)].</p> <p>2) Failure to submit a copy of the well completion data prior to placing the well into service as a public water supply [30 TEX. ADMIN. CODE § 290.41(c)(3)(A)].</p> <p>3) Failure to provide a sanitary control easement covering all land within 150 feet of the Facility's well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to provide a well casing that extends a minimum of 18 inches above the elevation of the floor of the pump room and a minimum of one inch above the sealing block [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].</p> <p>5) Failure to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times [30 TEX. ADMIN. CODE § 290.46(d)(2)(A)].</p> <p>6) Failure to provide water system records to Commission personnel at the time of the investigation [30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III)].</p>	<p><b>Total Assessed:</b> \$1,281</p> <p><b>Total Deferred:</b> \$256  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,025</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of July 7, 2009, extended the well casing to a minimum of 18 inches above the elevation of the floor of the pump room.</p> <p>b. As of July 13, 2009:</p> <p>i. Began maintaining a free chlorine residual of 0.2 mg/L throughout the distribution system at all times;</p> <p>ii. Began maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to records of the amount of water treated each week; and</p> <p>iii. Began measuring the free chlorine residual within the distribution system using Commission approved instrumentation and methods.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a minimum pressure tank capacity of 220 gallons;</p> <p>ii. Submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for the Facility's well; and</p> <p>iii. Secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county courthouse, or obtain an exception to the rule.</p> <p>b. Within 105 days after the effective date of this Agreed Order, submit written</p>

<p>7) Failure to measure the free chlorine residual within the distribution system to a minimum accuracy of 0.1 mg/L using Commission approved methods [30 TEX. ADMIN. CODE § 290.110(d)(1)].</p>		<p>certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>
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Additional ID No(s): PWS ID No. 2330061



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision October 30, 2009

**TCEQ**  
**DATES** Assigned  PCW  Screening  EPA Due

**RESPONDENT/FACILITY INFORMATION**  
 Respondent   
 Reg. Ent. Ref. No.   
 Facility/Site Region  Major/Minor Source

**CASE INFORMATION**  
 Enf./Case ID No.  No. of Violations   
 Docket No.  Order Type   
 Media Program(s)  Government/Non-Profit   
 Multi-Media  Enf. Coordinator   
 EC's Team   
 Admin. Penalty \$ Limit Minimum  Maximum

**Penalty Calculation Section**

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**  
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

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

Notes

**Culpability**   Enhancement Subtotal 4

Notes

**Good Faith Effort to Comply Total Adjustments** Subtotal 5

**Economic Benefit**  Enhancement\* Subtotal 6

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

**SUM OF SUBTOTALS 1-7** Final Subtotal

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL**  Reduction Adjustment

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

Notes

**PAYABLE PENALTY**

**Screening Date** 27-Jul-2009

**Docket No.** 2009-1213-PWS-E

**PCW**

**Respondent** Michael Sesso dba Sessos Country Market

*Policy Revision 2 (September 2002)*

**Case ID No.** 38059

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN105507388

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Andrea Linson-Mgbeoduru

### 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>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments 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)** 5%

>> **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 due to one prior Notice of Violation with violations same or similar as those in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	<b>PCW</b>		
<b>Respondent</b> Michael Sesso dba Sessos Country Market	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 38059	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN105507388				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b> 1				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was documented that the Facility had a pressure tank capacity of 162 gallons, indicating a 26% deficiency.			
<b>Base Penalty</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>Harm</b>				
<b>Release</b>	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	
<b>OR</b>			<b>Percent</b> 10%	
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major			Moderate	Minor
<input type="checkbox"/>			<input type="checkbox"/>	<input type="checkbox"/>
			<b>Percent</b> 0%	
<b>Matrix Notes</b>	Failure to provide adequate pressure tank capacity may result in low water pressure and backflow problems exposing customers of the water supply to a significant amount of contaminants that would not exceed levels protective of human health.			
<b>Adjustment</b>		\$900		
		\$100		
<b>Violation Events</b>				
Number of Violation Events		1	Number of violation days	
		48		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> \$100	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	x		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
One quarterly event is recommended, calculated from the investigation date, June 9, 2009, to the screening date, July 27, 2009.				
<b>Good Faith Efforts to Comply</b>		<b>0.0% Reduction</b>		\$0
		<small>Before NOV    NOV to EDCRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>			
Ordinary	<input type="checkbox"/>			
N/A	x	<small>(mark with x)</small>		
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal</b>				\$100
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
Estimated EB Amount		\$56	Violation Final Penalty Total	
			\$126	
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$126

## Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$388	9-Apr-2008	30-Apr-2010	2.08	\$3	\$53	\$56
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

The delayed costs includes the estimated amount to provide adequate pressure tank capacity. The date required is the investigation date initially documenting the violation. The final date is 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

\$388

**TOTAL**

\$56



<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E																			
<b>Respondent</b> Michael Sesso dba Sessos Country Market	<b>PCW</b> <small>Policy Revision 2 (September 2002) PCW Revision October 30, 2009</small>																			
<b>Case ID No.</b> 38059																				
<b>Reg. Ent. Reference No.</b> RN105507388																				
<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru																				
<b>Violation Number</b> 2																				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(A)																			
<b>Violation Description</b>	Failed to submit a copy of the well completion data prior to placing the well into service as a public water supply. Specifically, at the time of the investigation, it was documented that the cementing certificate, results of the 36-hour pump test and results of the microbiological and chemical analysis have not been submitted for review.																			
	<b>Base Penalty</b> \$1,000																			
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td colspan="4" style="text-align: center;"><b>Harm</b></td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 0%</td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>	<b>Harm</b>					Release	Major	Moderate	Minor		Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 0%	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<b>&gt;&gt; Programmatic Matrix</b>																				
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: right;"><b>Percent</b> 10%</td> </tr> </table>	Falsification	Major	Moderate	Minor		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 10%									
Falsification	Major	Moderate	Minor																	
<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> 10%																
<b>Matrix Notes</b>	100% of the rule requirement was not met.																			
	<b>Adjustment</b> \$900																			
	<b>\$100</b>																			
<b>Violation Events</b>																				
<b>Number of Violation Events</b>	1																			
	48 <b>Number of violation days</b>																			
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input checked="" type="checkbox"/>					
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single event	<input checked="" type="checkbox"/>																			
	<b>Violation Base Penalty</b> \$100																			
	One single event is recommended.																			
<b>Good Faith Efforts to Comply</b>																				
	<b>0.0% Reduction</b> \$0																			
	<small>Before NOV      NOV to EDPRP/Settlement Offer</small>																			
Extraordinary	<input type="checkbox"/>																			
Ordinary	<input type="checkbox"/>																			
N/A	<input checked="" type="checkbox"/> (mark with x)																			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
	<b>Violation Subtotal</b> \$100																			
<b>Economic Benefit (EB) for this violation</b>																				
<b>Estimated EB Amount</b>	\$288																			
<b>Statutory Limit Test</b>																				
<b>Violation Final Penalty Total</b>	\$128																			
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$128																				

## Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$2,000	9-Apr-2008	30-Apr-2010	2.06	\$14	\$274	\$288
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**  
 The delayed cost includes the estimated amount to prepare, submit, and obtain approval of water system plans and specifications that have been prepared by a licensed, professional engineer, calculated from the date of the investigation initially documenting the violation 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**

<b>Approx. Cost of Compliance</b>	\$2,000	<b>TOTAL</b>	\$288
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<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	<b>PCW</b>																		
<b>Respondent</b> Michael Sesso dba Sessos Country Market		<small>Policy Revision 2 (September 2002)</small>																		
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<b>Media [Statute]</b> Public Water Supply																				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru																				
<b>Violation Number</b> 3																				
<b>Rule Cite(s)</b>	30 Tex. Admn. Code § 290.41(c)(1)(F)																			
<b>Violation Description</b>	Failed to provide a sanitary control easement covering all land within 150 feet of the Facility's well. Specifically, at the time of the investigation, it was documented that the Respondent had not obtained a sanitary control easement from adjacent property owners and had not been granted an exception.																			
	<b>Base Penalty</b>	\$1,000																		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																				
	<b>Harm</b>																			
	Major	Moderate	Minor																	
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	Falsification		Major	Moderate	Minor															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;"></td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> </table>							<b>Percent</b> 0%												
<b>Matrix Notes</b>	Failure to secure a sanitary control easement could expose customers of the water supply to insignificant amounts of pollutants which would not exceed levels that are protective of human health.																			
	<b>Adjustment</b>		\$950																	
\$50																				
<b>Violation Events</b>																				
	Number of Violation Events	1	48	Number of violation days																
	<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">weekly</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;">x</td></tr> </table>		daily		weekly		monthly		quarterly		semiannual		annual		single event	x	<b>Violation Base Penalty</b>		\$50
daily																				
weekly																				
monthly																				
quarterly																				
semiannual																				
annual																				
single event	x																			
	One single event is recommended.																			
<b>Good Faith Efforts to Comply</b>																				
	<b>0.0% Reduction</b>		\$0																	
		Before NOV	NOV to EDRP/Settlement Offer																	
	Extraordinary																			
	Ordinary																			
	N/A	x	(mark with x)																	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.																			
	<b>Violation Subtotal</b>		\$50																	
<b>Economic Benefit (EB) for this violation</b>																				
	<b>Estimated EB Amount</b>		\$72																	
<b>Statutory Limit Test</b>																				
	<b>Violation Final Penalty Total</b>		\$63																	
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$63																	

## Economic Benefit Worksheet

**Respondent:** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media:** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	9-Apr-2008	30-Apr-2010	2.08	\$3	\$69	\$72
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**  
 The delayed cost includes the estimated amount necessary to secure a sanitary control easement covering land within 150 feet of the well sites. The date required is the investigation date initially documenting the violation. The final date is the estimated date of compliance.

**Avoided Costs**

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

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$500	<b>TOTAL</b>	\$72
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<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E														
<b>Respondent</b> Michael Sesso dba Sessos Country Market	<b>PCW</b> <small>Policy Revision 2 (September 2002)</small>														
<b>Case ID No.</b> 38059	<small>PCW Revision October 30, 2008</small>														
<b>Reg. Ent. Reference No.</b> RN105507388															
<b>Media [Statute]</b> Public Water Supply															
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru															
<b>Violation Number</b> 4															
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(B)														
<b>Violation Description</b>	Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface and a minimum of one inch above the sealing block. Specifically, at the time of the investigation, it was documented that the well casing did not extend above floor level.														
<b>Base Penalty</b>	\$1,000														
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>															
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Release</b></td> <td style="text-align: center;"><b>Major</b></td> <td style="text-align: center;"><b>Moderate</b></td> <td style="text-align: center;"><b>Minor</b></td> <td></td> </tr> <tr> <td>Actual</td> <td></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;"><b>Percent</b> 25%</td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> <td></td> </tr> </table>	<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>		Actual				<b>Percent</b> 25%	Potential	x		
<b>Release</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>												
Actual				<b>Percent</b> 25%											
Potential	x														
<b>&gt;&gt; Programmatic Matrix</b>															
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="text-align: center;"><b>Falsification</b></td> <td style="text-align: center;"><b>Major</b></td> <td style="text-align: center;"><b>Moderate</b></td> <td style="text-align: center;"><b>Minor</b></td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;"><b>Percent</b> 0%</td> </tr> </table>	<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>						<b>Percent</b> 0%				
<b>Falsification</b>	<b>Major</b>	<b>Moderate</b>	<b>Minor</b>												
				<b>Percent</b> 0%											
<b>Matrix Notes</b>	Human health or the environment could be exposed to a significant amount of contaminants that would exceed levels protective of human health as a result of the failure to properly protect the water source.														
<b>Adjustment</b>	\$750														
	\$250														
<b>Violation Events</b>															
<b>Number of Violation Events</b>	1														
	28 <b>Number of violation days</b>														
<small>mark only one with an x</small>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td></td></tr> <tr><td>weekly</td><td></td></tr> <tr><td>monthly</td><td style="text-align: center;">x</td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td></td></tr> </table>	daily		weekly		monthly	x	quarterly		semiannual		annual		single event	
daily															
weekly															
monthly	x														
quarterly															
semiannual															
annual															
single event															
<b>Violation Base Penalty</b>	\$250														
One monthly event is recommended, calculated from the investigation date, June 9, 2009, to the compliance date, July 7, 2009.															
<b>Good Faith Efforts to Comply</b>															
	25.0% Reduction														
	Before NOV    NOV to EDFRP/Settlement Offer														
Extraordinary															
Ordinary	x														
N/A	(mark with x)														
<b>Notes</b>	The Respondent achieved compliance on July 7, 2009.														
<b>Violation Subtotal</b>	\$188														
<b>Economic Benefit (EB) for this violation</b>															
<b>Estimated EB Amount</b>	\$1														
<b>Statutory Limit Test</b>															
<b>Violation Final Penalty Total</b>	\$241														
<b>This violation Final Assessed Penalty (adjusted for limits)</b> \$241															

## Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 4

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$200	9-Jun-2009	7-Jul-2009	0.08	\$0	\$1	\$1
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 cost include the estimated amount necessary to extend the well casing. The date required is the investigation date. The final date is the date of compliance.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$200	<b>TOTAL</b>	\$1
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<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	<b>PCW</b>																						
<b>Respondent</b> Michael Sesso dba Sessos Country Market		<small>Policy Revision 2 (September 2002)</small>																						
<b>Case ID No.</b> 38059		<small>PCW Revision October 30, 2008</small>																						
<b>Reg. Ent. Reference No.</b> RN106507388																								
<b>Media [Statute]</b> Public Water Supply																								
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru																								
<b>Violation Number</b> 5																								
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(d)(2)(A)																							
<b>Violation Description</b>	Failed to operate the disinfection equipment to maintain a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the investigation, a field test conducted at the laundromat sink indicated a chlorine residual of 0.02 mg/L. Additionally, a second field test conducted at the laundromat sink on June 11, 2009, revealed a free chlorine residual of 0.03 mg/L.																							
	<b>Base Penalty</b>	\$1,000																						
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>																								
	<b>Harm</b>																							
	Major	Moderate	Minor																					
<b>OR</b>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:33%;">Actual</td> <td style="width:33%;"></td> <td style="width:33%;"></td> </tr> <tr> <td>Potential</td> <td style="text-align: center;">x</td> <td></td> </tr> </table>		Actual			Potential	x		<b>Percent</b> 10%															
Actual																								
Potential	x																							
<b>&gt;&gt; Programmatic Matrix</b>																								
	Falsification	Major	Moderate	Minor																				
				<b>Percent</b> 0%																				
<b>Matrix Notes</b>	Failure to maintain a residual disinfectant concentration at a minimum of 0.2 mg/L free chlorine could result in the delivery of a significant amount of contaminated water to the public which would not exceed levels protective of human health.																							
	<b>Adjustment</b>	\$900																						
		\$100																						
<b>Violation Events</b>																								
	<b>Number of Violation Events</b>	2	<b>Number of violation days</b>																					
		34																						
	<b>Violation Base Penalty</b>	\$200																						
	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%;"><small>mark only one with an x</small></td> <td style="width:30%;">daily</td> <td style="width:30%;"></td> </tr> <tr> <td></td> <td>weekly</td> <td></td> </tr> <tr> <td></td> <td>monthly</td> <td></td> </tr> <tr> <td></td> <td>quarterly</td> <td></td> </tr> <tr> <td></td> <td>semiannual</td> <td></td> </tr> <tr> <td></td> <td>annual</td> <td></td> </tr> <tr> <td></td> <td>single event</td> <td style="text-align: center;">x</td> </tr> </table>			<small>mark only one with an x</small>	daily			weekly			monthly			quarterly			semiannual			annual			single event	x
<small>mark only one with an x</small>	daily																							
	weekly																							
	monthly																							
	quarterly																							
	semiannual																							
	annual																							
	single event	x																						
	Two single events are recommended.																							
<b>Good Faith Efforts to Comply</b>																								
	25.0% Reduction	\$50																						
	Before NOV	NOV to EDRP/Settlement Offer																						
	Extraordinary																							
	Ordinary	x																						
	N/A		(mark with x)																					
<b>Notes</b>	The Respondent achieved compliance on July 13, 2009.																							
	<b>Violation Subtotal</b>	\$150																						
<b>Economic Benefit (EB) for this violation</b>																								
	<b>Estimated EB Amount</b>	\$210																						
<b>Statutory Limit Test</b>																								
	<b>Violation Final Penalty Total</b>	\$193																						
	<b>This violation Final Assessed Penalty (adjusted for limits)</b>																							
	\$193																							

### Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 5

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.00	\$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]	\$100	9-Jun-2009	13-Jul-2009	1.01	\$5	\$100	\$105
Other (as needed)	\$100	11-Jun-2009	13-Jul-2009	1.01	\$5	\$100	\$105

Notes for AVOIDED costs

The avoided cost includes the estimated amount necessary to operate the disinfection equipment and increase chlorine dosage to maintain a minimum free chlorine residual of 0.2 mg/L. The date required is the date the field tests were conducted. The final date is the date of compliance.

Approx. Cost of Compliance

\$200

**TOTAL**

\$210



<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	<b>PCW</b>		
<b>Respondent</b> Michael Sesso dba Sessos Country Market	<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 38059	<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN105507388				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru				
<b>Violation Number</b>	6			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.46(f)(3)(A)(II)(III)			
<b>Violation Description:</b>	Failed to provide water system records to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, it was documented that records for the volume of water treated each week were not available.			
<b>Base Penalty</b>		\$1,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
<b>OR</b>	<b>Harm</b>			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Percent</b>		0%		
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Matrix Notes</b>	<b>Falsification</b>			
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>Percent</b>		1%		
The Respondent has failed to meet less than 10% of the rule requirement.				
<b>Adjustment</b>		\$990		
		\$10		
<b>Violation Events</b>				
<b>Number of Violation Events</b>		1	<b>Number of violation days</b>	
		34		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>	
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input checked="" type="checkbox"/>		
<b>Violation Base Penalty</b>		\$10		
One single event is recommended.				
<b>Good Faith Efforts to Comply</b>				
<b>25.0% Reduction</b>		\$2		
<small>Before NOV</small>		<small>NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	(mark with x)		
Ordinary	<input checked="" type="checkbox"/>			
N/A	<input type="checkbox"/>			
<b>Notes</b>		The Respondent achieved compliance on July 13, 2009.		
<b>Violation Subtotal</b>		\$8		
<b>Economic Benefit (EB) for this violation</b>				
<b>Estimated EB Amount</b>		\$0		
<b>Statutory Limit Test</b>				
<b>Violation Final Penalty Total</b>		\$10		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$50		

## Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

**Item Cost    Date Required    Final Date    Yrs    Interest Saved    Onetime Costs    EB Amount**

**Item Description** No commas or \$

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$50	9-Jun-2009	13-Jul-2009	0.09	\$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 cost includes the estimated amount necessary to maintain a record of the volume of water treated each week. The date required is the investigation date. The final date is the compliance date.

**Avoided Costs**

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

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

**Notes for AVOIDED costs**

**Approx. Cost of Compliance**    \$50    **TOTAL**    \$0

<b>Screening Date</b> 27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	<b>PCW</b>	
<b>Respondent</b> Michael Sesso dba Sessos Country Market	<small>Policy Revision 2 (September 2002)</small>		
<b>Case ID No.</b> 38059	<small>PCW Revision October 30, 2009</small>		
<b>Reg. Ent. Reference No.</b> RN105507388			
<b>Media [Statute]</b> Public Water Supply			
<b>Enf. Coordinator</b> Andrea Linson-Mgbeoduru			
<b>Violation Number</b>	7		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.110(d)(1)		
<b>Violation Description</b>	Failed to measure the free chlorine residual to a minimum accuracy of 0.1 mg/L using Commission approved methods. Specifically, at the time of the investigation, it was documented that the Facility was using comparator strips that measure 10 mg/L to 200 mg/L of free chlorine, which is not an approved method.		
<b>Base Penalty</b>		\$1,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
<b>Harm</b>			
	Major	Moderate	Minor
<b>OR</b>			
<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Potential</b>	x	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>		25%	
<b>&gt;&gt; Programmatic Matrix</b>			
<b>Falsification</b>			
	Major	Moderate	Minor
<b>Actual</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Potential</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Percent</b>		0%	
<b>Matrix Notes</b>	Failure to provide accurate testing methods to monitor the effectiveness of the disinfection process could result in the non-detection of improperly treated water and potentially expose the public to significant amounts of pollutants which would exceed levels that are protective of human health.		
<b>Adjustment</b>		\$750	
		\$250	
<b>Violation Events</b>			
2		34	
		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b>
	weekly	<input type="checkbox"/>	
	monthly	x	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
<b>Violation Base Penalty</b>		\$500	
Two monthly events are recommended, calculated from the investigation date, June 9, 2009, to the compliance date, July 13, 2009			
<b>Good Faith Efforts to Comply</b>			
25.0% Reduction		\$125	
<small>Before NOV    NOV to EDPRP/Settlement Offer</small>			
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	
Ordinary	x	<input type="checkbox"/>	
N/A	<input type="checkbox"/>	<small>(mark with x)</small>	
<b>Notes</b>	The Respondent achieved compliance on July 13, 2009.		
<b>Violation Subtotal</b>		\$375	
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b>	\$3	<b>Violation Final Penalty Total</b>	\$481
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$481

## Economic Benefit Worksheet

**Respondent** Michael Sesso dba Sessos Country Market  
**Case ID No.** 38059  
**Reg. Ent. Reference No.** RN105507388  
**Media** Public Water Supply  
**Violation No.** 7

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$500	9-Jun-2009	13-Jul-2009	0.09	\$0	\$3	\$3
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

The delayed cost includes the estimated amount necessary to provide and use a Commission approved instrument or method to measure the free chlorine residual within the distribution system to a minimum accuracy of 0.1 mg/L. The date required is the investigation date. The final date is the 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

\$500

TOTAL

\$3

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603351743 SESSO, MICHAEL Classification: Rating:  
Regulated Entity: RN105507388 SESSOS COUNTRY MARKET Classification: Site Rating:  
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2330061  
Location: 7991 W US HIGHWAY 90, VAL VERDE COUNTY, TX  
TCEQ Region: REGION 16 - LAREDO  
Date Compliance History Prepared: July 30, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 20, 2004 to July 20, 2009  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

## 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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)  
1 07/17/2009 (748119)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)  
Date: 05/06/2008 (656999)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)  
Description: Failure to provide a minimum disinfectant residual of 0.2 mg/L.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)  
Description: Failure to provide a pressure tank capacity of ten gallons per unit with a minimum of 220 gallons.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(A)  
Description: Failure to submit a copy of the well completion data before placing the well into service as a public water system.
- 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  
MICHAEL SESSO DBA SESSOS  
COUNTRY MARKET  
RN105507388**

§  
§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2009-1213-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 Michael Sesso dba Sessos Country Market ("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 and operates a public water supply at 7991 West United States Highway 90 in Val Verde County, Texas (the "Facility") that has approximately four 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 July 22, 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 Two Hundred Eighty-One Dollars (\$1,281) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Twenty-Five Dollars (\$1,025) of the administrative penalty and Two Hundred Fifty-Six Dollars (\$256) 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 recognizes that the Respondent has implemented the following corrective measures at the Facility:
  - a. As of July 7, 2009, extended the well casing to a minimum of 18 inches above the elevation of the floor of the pump room.
  - b. As of July 13, 2009:
    - i. Began maintaining a free chlorine residual of 0.2 milligrams per liter ("mg/L") throughout the distribution system at all times;
    - ii. Began maintaining an accurate and up-to-date record of water works operation and maintenance activities, including but not limited to records of the amount of water treated each week; and
    - iii. Began measuring the free chlorine residual within the distribution system using Commission approved instrumentation and methods.
9. 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.
10. 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.
11. 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 and operator of the Facility, the Respondent is alleged to have:

1. Failed to provide a minimum pressure tank capacity of 220 gallons, in violation of 30 TEX. ADMIN. CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on June 9, 2009.



2. Failed to submit a copy of the well completion data prior to placing the well into service as a public water supply, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(A), as documented during an investigation conducted on June 9, 2009.
3. Failed to provide a sanitary control easement covering all land within 150 feet of the Facility's well, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on June 9, 2009.
4. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the floor of the pump room and a minimum of one inch above the sealing block, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B), as documented during an investigation conducted on June 9, 2009.
5. Failed to maintain a free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE § 290.46(d)(2)(A), as documented during an investigation conducted on June 9, 2009.
6. Failed to provide water system records to Commission personnel at the time of the investigation, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(A)(ii)(III), as documented during an investigation conducted on June 9, 2009.
7. Failed to measure the free chlorine residual within the distribution system to a minimum accuracy of 0.1 mg/L using Commission approved methods, in violation of 30 TEX. ADMIN. CODE § 290.110(d)(1), as documented during an investigation conducted on June 9, 2009.

### 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: Michael Sesso dba Sessos Country Market, Docket No. 2009-1213-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. Within 90 days after the effective date of this Agreed Order:
- i. Provide a minimum pressure tank capacity of 220 gallons, in accordance with 30 TEX. ADMIN. CODE § 290.45;
  - ii. Submit for review and approval detailed and properly completed plans and specifications that are stamped and sealed by a licensed engineer for the Facility's well, as required by 30 TEX. ADMIN. CODE § 290.41. The plans shall be submitted to:  

Water Supply Division  
Utilities Technical Review Team, MC 153  
Texas Commission on Environmental Quality  
P.O. Box 13088  
Austin, Texas 78711-3088
  - iii. Secure a sanitary control easement covering all property within 150 feet of the well location from adjacent landowners and record the deeds at the county courthouse, as required by 30 TEX. ADMIN. CODE § 290.41, or obtain an exception to the rule, in accordance with 30 TEX. ADMIN. CODE § 290.39.
- b. Within 105 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.a. 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 fines 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  
Laredo Regional Office  
Texas Commission on Environmental Quality  
707 East Calton Road, Suite 304  
Laredo, Texas 78041-3887

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

John Sullivan  
For the Executive Director

11-5-2009  
Date

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.

Michael Sesso  
Signature

9-21-09  
Date

Michael Sesso  
Name (Printed or typed)  
Authorized Representative of  
Michael Sesso dba Sessos Country Market

Owner  
Title

**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.