Page 1 of 3

**DOCKET NO.**: 2009-1213-PWS-E **TCEQ ID**: RN105507388 **CASE NO.**: 38059

RESPONDENT NAME: Michael Sesso dba Sessos Country Market

ORDER TYPE:							
X 1660 AGREED ORDER	FINDINGS AGREED ORDER	FINDINGS ORDER FOLLOWING SOAH HEARING					
FINDINGS DEFAULT ORDER	_SHUTDOWN ORDER	IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER					
_AMENDED ORDEREMERGENCY ORDER							
CASE TYPE:							
AIR	MULTI-MEDIA (check all that apply)	INDUSTRIAL AND HAZARDOUS WASTE					
X PUBLIC WATER SUPPLY	PETROLEUM STORAGE TANKS	OCCUPATIONAL CERTIFICATION					
WATER QUALITY	SEWAGE SLUDGE	UNDERGROUND INJECTION CONTROL					
MUNICIPAL SOLID WASTE	RADIOACTIVE WASTE	DRY CLEANER REGISTRATION					
TYPE OF OPERATION: Public water support of the significant matters: The facility location.  INTERESTED PARTIES: No one other the COMMENTS RECEIVED: The Texas Region Contacts and mailing List:  TCEQ Attorney/SEP Coordinator CEQ Enforcement Coordinator 239-1482; Ms. Cari-Michael La Cairespondent: Mr. Michael Sesso, Contacts and Mr. Michael Sesso, Con	_ No re are no complaints. There is no record of additional and the ED and the Respondent has expressed an interister comment period expired on November 23, 200	al pending enforcement actions regarding this rest in this matter.  9. No comments were received.  ision, Enforcement Team 2, MC 169, (512)					

**DOCKET NO.:** 2009-1213-PWS-E

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

# RESPONDENT NAME: Michael Sesso dba Sessos Country Market DOCKET NO.: 2009-1213-PWS-E

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)].	certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.
	÷.

Additional ID No(s).: PWS ID No. 2330061

7 1	Penalty Calcula	ation Worksheet (P	CW)
Policy Revision 2 (Se	_		PCW Revision October 30, 2008
TCEO	promoti 2002)		7 077 (10/10/2) 05/00/01 00/ 2000
DATES Assigne	d 20-Jul-2009		
PCV		2009 EPA Due	1
	7 27-8di-2003 Gordening 27-0di-2	.ooo   LIABdo	
RESPONDENT/FACILIT	YINFORMATION		
	it Michael Sesso dba Sessos Country M	arket	
Reg. Ent. Ref. No			
Facility/Site Regio		Major/Minor Source	Minor
THE REPORT OF THE PROPERTY OF			
CASE INFORMATION			
Enf./Case ID No	38059	No. of Violations	7
	. 2009-1213-PWS-E	Order Type	
Media Program(s	Public Water Supply	Government/Non-Profit	
Multi-Medi	а		Andrea Linson-Mgbeodur
			Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50 Maximun	n \$1,000	
··	Penalty Cal	culation Section	
TOT41 DAGE DENIA	•		64.240
TOTAL BASE PENA	LTY (Sum of violation base per	naities)	Subtotal 1 \$1,210
AD HIGHRENTS / . /	TO CUDTOTAL 4		
ADJUSTMENTS (+/-	<ul> <li>i) TO SUBTUTAL 1</li> <li>ained by multiplying the Total Base Penalty (Subtot)</li> </ul>	al 1) by the indicated percentage	
Compliance His			otals 2, 3, & 7 \$60
Compliance in			]
Note	Enhancement due to one prior Notice		
110.0	or similar as those in the curi	rent enforcement action.	
			· · · · · · · · · · · · · · · · · · ·
Culpability	No	0.0% Enhancement	Subtotal 4 \$0
		1.11	
Note	s The Respondent does not me	eet the culpability criteria.	
			J
Good Eaith Effo	ort to Comply Total Adjustments		Subtotal 5 \$239
Guou Faith End	it to Comply Total Adjustments		Opprove version versio
Economic Bene	fit	0.0% Enhancement*	Subtotal 6 \$0
		Capped at the Total EB \$ Amount	
Approx	:. Cost of Compliance \$3,838		
AUT. AF AVE-A		_	***************************************
SUM OF SUBTOTAL	LS 1-7	,	Final Subtotal \$1,031
	AS JUSTICE MAY REQUIRE	20.4%	Adjustment \$210
Reduces or enhances the Final	Subtotal by the indicated percentage.		1
Notes	Enhancement recommended for the	he recovery of avoided costs.	
		Final Pe	nalty Amount \$1,241
STATUTORY LIMIT	ADJUSTMENT	Final Asse	essed Penalty \$1,281
		· · · · · · · · · · · · · · · · · · ·	
DEFERRAL		20.0% Reduction	Adjustment -\$256
Reduces the Final Assessed Pe	enalty by the indicted percentage. (Enter number o	nly; e.g. 20 for 20% reduction.)	1
Notes	Deferral offered for exp	pedited. settlement.	
			].
PAYABLE PENALTY	<b>′</b>		\$1,025

Screening Date 27-Jul-2009

Docket No. 2009-1213-PWS-E

PCW

Respondent Michael Sesso dba Sessos Country Market

Case ID No. 38059

Policy Revision 2 (September 2002) PCW Revision October 30, 2008

Reg. Ent. Reference No. RN105507388

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

### **Compliance History Worksheet**

Jt and	NOVs Orders	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)  Other written NOVs  Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	5% 0%
Jt and	Orders	Any agreed final enforcement orders containing a denial of liability (number of orders		0.07
Jt and	Orders			0.70
Jt and			0	0%
and		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%
	udgments	Any non-adjudicated final court judgments or consent decrees containing a denial of llability of this state or the federal government (number of judgements or consent decrees meeting criteria)		0%
	Decides	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%
Cr	onvictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
E	missions	Chronic excessive emissions events (number of events)	0	0%
		Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
		Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
_		Plea	se Enter Yes or No	
		Environmental management systems in place for one year or more	No	0%
	Other	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 F	Percentage (S	ubtotal 2) [
eat Vi	iolator (Sul			
L	N/A	Adjustment F	Percentage (S	ubtotai 3) [
ıpllan	ice History	Person Classification (Subtotal 7)		
Γ.	N/A	Adjustment F	Percentage (S	ubtotal 7) [
npllan	nce History	Summary		
	ompliance History Notes	Enhancement due to one prior Notice of Violation with violations same or similar as those enforcement action.	in the current	
	'	Total Adjustment Percentage	a (Subtotals	2. 3. & 7) [

Sci	reening Date	27-Jul-2009	Commenced and authorized to Management Constraint (May 1 a miles 1 and 1	Docket I	<b>Vo.</b> 2009-121	3-PWS-E		P¢W
	-		dba Sessos Countr	y Market			Policy Re	vision 2 (September 2002)
5 5 6	Case ID No.						PCW	Revision Oclober 30, 2008
_	eference No.							
	dia [Statute] Coordinator							
	olation Number		Mgcccaara					
	Rule Cite(s)	30 Tex. Admir	n. Code § 290.45(d)	(2)(A)(ii) and Tex	c. Health & Sat	fety Code § 34	1.0315(c)	4
			· · · · · · · · · · · · · · · · · · ·					
Violati	ion Description		vide a minimum pre estigation, it was do of 162 gallo		e Facility had	a pressure tank		
	·					Bas	e Penalty[	\$1,000
>> Environmental	l, Property an	id Human H		en e				
54.A.E.	Release	Major	Harm Moderate M	linor				¥ \$ 3
OR	Actual							THE PARTY OF THE P
	Potential		×		Percent	10%		
>>Programmatic	Matrix	num seen illigere management						in the state of th
<b></b>	Falsification	Major	Moderate M	linor				
					Percent	0%		
	Failure to o	rovide adequat	e pressure tank cap	acity may result i	n low water pr	essure and bad	kflow	
Matrix Notes			s of the water supply	to a significant a	mount of cont			
7,000			exceed levels prot	ective of human	health.		']	
			n kija ma da	in the particular part	Adjustmer	it	\$900	
. 1: 1:	* * * * * *							\$100
							L	\$100]
Violation Events								
	Number of Vi	iolation Events	7 1 ]	48	Number	of violation days	s	
	140111501 01 41			(Lucus mi X		, ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,		
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	x			Violation Bas	e Penalty[	\$100
	One quarte	erly event is rec	ommended, calculat			June 9, 2009, t	to the	
			screening da	ate, July 27, 2009	i.			
Good Faith Effort	s to Comply	Extraordinary Ordinary N/A	0.0% Redui	EDPRP/Selllement	Offer			\$0
		Notes	The Respondent o	does not meet the violation.	good faith cri	teria for this		an a
						Violation	Subtotal	\$100
Economic Benefi	t (EB) for this	s violation			Statuto	y Limit Te	št	
The second secon	an annual material and material and	d EB Amount		\$56	Viola	tion Final Pen	alty Total[	\$126
(PPA) = YYYMB			This v	riolation Final As	ssessed Pena	ilty (adjusted f	for limits)	\$126
				13.75		nga Bar		7

an and a state of the state of	<u> </u>	conomic I	3enefit W	orks	heet	unnumenteen materiale – materiale alle alle alle alle alle alle alle	
Respondent	: Michael Sesso	dba Sessos Countr	y Market				
Case ID No	. 38059						
Reg. Ent. Reference No	. RN105507388						
	Public Water S	vlaau				Dagage Links word	Years of
Violation No.		11.7				Percent interest	Depreciation
VIOLATION ITO	• '					5.0	. 1
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description		Date Required	riiai Date	1:13	III(e) e3( Javeu	Officially Costs	LD Allouit
Balancal Garage							
Delayed Costs	\$388	9-Apr-2008	30-Apr-2010	2.06	\$3	\$53	\$56
Buildings	<u> </u>	0 / IDI 2000	00 / (p) 20 10	0.00	\$0	\$0	\$O
Other (as needed)	ļ <del></del>			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	<b>\$</b> 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  Disposal  Personnel	is the investi	gation date initially	documenting the	violation.	. The final date is	re tank capacity. The estimated date of the	of compliance.
Inspection/Reporting/Sampting		· ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` ` `		0.00	\$0	\$0	\$0
Supplies/equipment		1		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							

Screening D	ate 27-Jul-2009	Docket No. 2009-1213-PWS-E	P¢W
		dba Sessos Country Market	Policy Revision 2 (September 2002)
	<b>No.</b> 38059		PCW Revision October 30, 2008
Reg. Ent. Reference			
	ute] Public Water		
Violation Nun	a <b>tor</b> Andrea Linso: nber 2	ı-Mgbeoduru 	
Rule Ci		20 Toy Admin Code \$ 200 44 (a)(2)(A)	
		30 Tex. Admin. Code § 290.41(c)(3)(A)	
Violation Descrip	public water s	nit a copy of the well completion data prior to placing the well into service upply. Specifically, at the time of the investigation, it was documented the ortificate, results of the 36-hour pump test and results of the microbiological and chemical analysis have not been submitted for review.	hat the
		Base P	enalty \$1,000
>> Environmental, Propert	v and Human H	ealth Matrix	
Harabaran		Harm	
Rele OR A		Moderate Minor	
Pote	otual	Percent 0%	
A. a.g. i			
>>Programmatic Matrix			
Falsificat	ion <u>Major</u>   x	Moderate Minor Percent 10%	
L		1 Ground 1070	
Matrix Notes		100% of the rule requirement was not met.	
<u>L </u>	(a.111(212))7/4		
	and the second	Adjustment	\$900
			<b>\$100</b>
Violation Events	45 - 11		
Number	of Violation Events	1 48 Number of violation days	And
mark only o Wilh en s		Violation Base P	enalty \$100
		One single event is recommended.	TOTAL
Good Faith Efforts to Com	Extraordinary Ordinary N/A	0.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  X (mark with x)	\$0
	Notes	The Respondent does not meef the good faith criteria for this violation.	
		Violation Sc	ubtotal \$100
Economic Benefit (EB) for	this violation	Statutory Limit Test	
Esti	nated EB Amount	\$288 Violation Final Penalt	y Total \$126
		This violation Final Assessed Penalty (adjusted for	limits) \$126

	t Michael Conna	dba Sessos Count	or Market				
		upa dessus Count	y Iviai Not				
Case ID No.							
Reg. Ent. Reference No.							
Media	🕽 Public Water St	apply				Percent Interest	Years of
Violation No.	. 2						Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Nequired	i iligi Date	11.5	marast ouvea	311341113 33310	
Item Description	∄ No commas or \$						
Delayed Costs	5		<u></u>				
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 x	\$0
Other (as needed)				0,00	\$0	n/a	\$0
	The delayed o	ost includes the ea	stimated amount to	o prepare	e, submit, and obt	ain approval of water	system plans
Notes for DELAYED costs  Avoided! Costs  Disposal	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, p e violatio	orofessional engin in to the estimated	ain approval of water eer, calculated from I date of compliance. one-time avoided c	the date of the
Avoided Costs	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, p e violatio intering	orofessional enging in to the estimated item (except for	eer, calculated from I date of compliance. one-time avoided c \$0 \$0	the date of the
Avoided Costs Disposal Personnel	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, pe violation	orofessional enging to the estimated item (except for \$0	eer, calculated from I date of compliance. one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Avoided Costs Disposal Personnel	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, per violation	orofessional enging to the estimated item (except for \$0 \$0	eer, calculated from I date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, per violation (matering   0.00   0.00   0.00   0.00	orofessional enging to the estimated item (except for \$0 \$0 \$0	eer, calculated from date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided! Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, per violation of tering   0.00   0.00   0.00   0.00   0.00   0.00   0.00	orofessional enging to the estimated item (except for \$0 \$0 \$0	eer, calculated from I date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	osts) \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, periode violation (Contering (Conteri	orofessional enging to the estimated item (except for \$0 \$0 \$0 \$0 \$0	eer, calculated from date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided! Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, periodic violation (Control of the Control o	orofessional enging to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	eer, calculated from I date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	so \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided! Costs Disposal Personal Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and specificati	ions that have bee Investigation initial	n prepared by a lic ly documenting the	ensed, periodic violation (Control of the Control o	orofessional enging to the estimated item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	eer, calculated from I date of compliance.  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	27-Jul-2009 <b>Docket No.</b> 2009-1213-PWS-E	PCW
in a service of the s	Respondent	Michael Sesso dba Sessos Country Market	Policy Revision 2 (September 2002)
	Case ID No.		PCW Revision October 30, 2008
	eference No.		
		Public Water Supply	
1		Andrea Linson-Mgbeoduru	
VIC	lation Number Rule Cite(s)	3	
and the second s	reals Official	30 Tex. Admln. Code § 290.41(c)(1)(F)	
Violati	on Description	Failed to provide a sanitary control easement covering all land within 150 Facility's well. Specifically, at the time of the investigation, it was documer Respondent had not obtained a sanitary control easement from adjacent prand and had not been granted an exception.	nted that the
			Base Penalty \$1,000
>> Environmental	. Property an	d Human Health Matrix	
- LIVIN YIMLINGIAN	i v i www.	Harm	*
	Release	Major Moderate Minor	
OR	Actual	Baroont [	E0/ 1
	Potential	x Percent	5%
>>Programmatic [			
riogramminade l	Falsification	Major Moderate Minor	
			0%
,			
Matrix	Failure to secu	re a sanitary control easement could expose customers of the water supply t	o insignificant
Notes	amour	ts of pollutants which would not exceed levels that are protective of human h	ealth.
		Adjustment	\$950
			<b>#</b> FO
		•	\$50
Violation Events			Balan lali
	Number of Vi	lation Events 1 48 Number of violation	n days
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	Base Penalty \$50
		One single event is recommended.	
Good Faith Efforts	ś to Comply	O.0% Reduction  Before NOV NOV to EDPRP/Settlement Offer  Extraordinary Ordinary N/A x (mark with x)	\$0
		Notes The Respondent does not meet the good faith criteria for the violation.	is
10 removement		Viol	ation Subtotal \$50
Economic Benefit	t (EB) for this	violation Statutory Limi	t Test
e obli trifficansisti	Estimate	I EB Amount \$72 Violation Fina	I Penalty Total \$63
Standar 195		This violation Final Assessed Penalty (adjus	sted for limits) \$63
		i ilis violation rinai Assessed renalty (adjus	200 (O) IIIIII.2/[ \$00

		dba Sessos Count	ry Market				
Case ID No.	. 38059						
Reg. Ent. Reference No.	RN105507388						
Media	ı. Public Water Su	upply				Percent Interest	Years of
Violation No.		.,.				reicent interest	Depreciation
	• -					5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
		Date Required	rillai Date	1113	microst bayes	Oneume Costs	LD Amount
Item Description	No commas or \$						
Delayed Costs	,						
Equipment	<u>'                                    </u>			0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	9-Apr-2008	30-Apr-2010	2.06	\$3	\$69	\$72
Engineering/construction				0,00	\$0	\$0	<b>\$</b> O
Land				0,00	\$0	n/a	\$0
Record Keeping System		/		0,00	\$0	n/a	<b>\$</b> 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
. ,	The delayed co	ost includes the es	stimated amount n	ecessary	to secure a sanit	ary control easemen	t covering land
Notes for DELAYED costs  Avoided Costs	within 150 feet	of the well sites. Ti	he date required is final date is the e	the investimated	estigation date init date of compliand item (except for	lally documenting the e. one-time avoided c	e violation. The
Notes for DELAYED costs	within 150 feet	of the well sites. Ti	he date required is final date is the e	the investimated	estigation date init date of compliand item (except for \$0	lally documenting the ce. one-time avoided c	e violation. The  osts)
Notes for DELAYED costs  Avoided Costs  Disposal Personnel	within 150 feet	of the well sites. Ti	he date required is final date is the e	the investimated of the original of the origin	estigation date initiate of compliance item (except for \$0 \$0	lally documenting the se.  one-time avoided c  \$0  \$0	e violation. The  osts) \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	within 150 feet	of the well sites. Ti	he date required is final date is the e	s the investimated ontering 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0	lally documenting the e.  one-time avoided c \$0 \$0 \$0	osts)  \$0  \$0  \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnol Inspection/Reporting/Sampling Supplies/equipment	within 150 feet	of the well sites. Ti	he date required is final date is the e	ethe investimated ontering 0.00 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0 \$0	lally documenting the e.  one-time avoided c \$0 \$0 \$0 \$0	osts)  \$0  \$0  \$0  \$0  \$0  \$0
Notes for PELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	within 150 feet	of the well sites. Ti	he date required is final date is the e	ontering 0.00 0.00 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0 \$0 \$0	lally documenting the let be a constant of the	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	within 150 feet	of the well sites. Ti	he date required is final date is the e	ntering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	lally documenting the co.	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	within 150 feet	of the well sites. Ti	he date required is final date is the e	ontering 0.00 0.00 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0 \$0 \$0	lally documenting the let be a constant of the	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Notes for DELAYED costs  Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	within 150 feet	of the well sites. Ti	he date required is final date is the e	ntering 0.00 0.00 0.00 0.00 0.00 0.00 0.00	estigation date initiate of compliance item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	lally documenting the co.	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

	ing Date 27-Jul-200	•	ocket No. 2009-1213-PWS-E	P¢W
	<b>pondent</b> Michael Se <b>e ID No.</b> 38059	sso dba Sessos Country Market		Policy Revision 2 (September 2002)  PCW Revision October 30, 2008
1	ence No. RN105507	388		PCW Revision October 30, 2000
•	Statute] Public Wat			
Enf. Coo	rdinator Andrea Lin	son-Mgbeoduru		
	n Number 4			
Kt	ule Cite(s)	30 Tex. Admin. Co	de § 290.41(c)(3)(B)	
Violation De	the finishe	d floor of the pump room or natura sealing block. Specifically, at the	n minimum of 18 Inches above the e al ground surface and a minimum of time of the investigation, it was doc of extend above floor level.	fone inch
VI (PRADA) (Prama &	<u> </u>		Bas	se Penalty \$1,000
>> Environmental, Pro	perty and Human		i en la grande esperante de la companya de la comp La companya de la companya de	
	Release Major	Harm Moderate Minor		Author
OR	Actual			er-chammen
	Potential x		Percent 25%	The state of the s
>>Programmatic Matr	iv			
	sification Major	Moderate Minor		
			Percent 0%	
Matrix Hu Notes ex	ıman health or the env ceed levels protective	ronment could be exposed to a sig of human health as a result of the	gnificant amount of contaminants the failure to properly profect the water	at would source.
			Adjustment	\$750
Control to the contro				\$250
Violation Events			- 	
Nu	ımber of Violation Eve	its 1	28 Number of violation day	<b>/</b> 5
	daily weekly monthly quarterly semiannu annual single eve		Violation Bas	se Penalty \$250
CONTRACTOR OF THE PROPERTY OF	One monthly event is	recommended, calculated from th compliance date, July	e investigation date, June 9, 2009, t 7, 2009.	o the
Good Faith Efforts to	Extraordina		ttement Offer	\$62
	Ordina			
	Not	A (mark with x)  The Respondent achieved	d compliance on July 7, 2009.	The control of the co
		L	N-1-0	n Subtotal \$188
Economic Benefit (EB	) for this victoria	ee typaes, t	Statutory Llimit Te	4
HANNAND DELIGHT (CD			Violation Final Per	
a respectively.	Estimated EB Amou			
La president de la companya della companya de la companya de la companya della companya della companya de la companya de la companya della co		This violation i	Final Assessed Penalty (adjusted	for limits) \$241

	E	conomic E	3enefit W	orks	heet		
Respondent	Michael Sesso	dba Sessos Country	y Market				
Case ID No.	. 38059						
Reg. Ent. Reference No.							
	Public Water St	innly					Years of
Violation No.		Apply				Percent interest	Depreciation
Violation No.	4					1	•
						5.0	1:
	item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
Delayed Costs			<u> </u>	7 2 2 2 7	, ho	00	<b>#</b> O
Equipment				0,00	\$0 80	\$0 \$0	\$0 \$0
Buildings	<u> </u>			0.00	\$0 \$0	\$0	\$0 \$0
Other (as needed)	4000	0 1 0000	7 54 0000	0.00	\$0	\$1	\$1
Engineering/construction	\$200	9-Jun-2009	7-Jul-2009	0.00	\$0	φι n/a	\$0:
Land				0.00	\$0	n/a	\$0
Record Keeping System			<del> </del>	0.00	\$0	n/a	\$0
Training/Sampling Remediation/Disposal				0.00	\$0 \$0	n/a	\$0
Remediation/Disposal		<del> </del>		0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0
Notes for DELAYED costs	The delayed				is the date of con	il casing. The date re opliance.	squired is the
	II .						
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	ntering	Item (except for	one-time avoided c	osts)
Avoided Costs	ANN	UALIZE [1] avoide	d costs before e	0.00	\$0	\$0	\$0
	ANN	UALIZE [1] avoide	d costs before e	0.00	\$0 \$0	\$0 \$0	\$0 \$0
Disposal	ANN	UALIZE [1] avoide	d costs before e	0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
Disposal Personnel	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling	ANN	UALIZE [1] avoide	d costs before e	0.00 0,00 0,00 0.00 0,00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financtal Assurance [2]	ANN	UALIZE [1] avoide	d costs before e	0.00 0,00 0,00 0.00 0,00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financtal Assurance [2] ONE-TIME avoided costs [3]	ANN	UALIZE [1] avoide	d costs before e	0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0

Screening Da	te 27-Jul-2009	The second contract and the second second contract and the second	Docket No. 2009-1213	3-PWS-E	PCW
		o dba Sessos Country Marke	t	Policy Re	evision 2 (September 2002)
Case ID N				PCW	Revision October 30, 2008
Reg. Ent. Reference N	<b>io.</b> RN105507388 <b>[e]</b> Public Water 9				
Enf. Coordinat	-	· · ·			1
Violation Numb					
Rule Cite	(s)	30 Tex, Admin. (	Code § 290.46(d)(2)(A)		
Violation Descript	on the time of chlorine residu	perate the disinfection equipn er liter ("mg/L") throughout the i the Investigation, a field test ual of 0.02 mg/L. Additionally, k on June 11, 2009, revealed	e distribution system at:al conducted at the laundro , a second field test cond	ll times. Specifically, at omat sink indicated a ucted at the laundromat	
	Recognition of the control of the co			Base Penalty	\$1,000
>> Environmental, Property		<b>在工程以前,现</b> 有	in the Augustain		
>> Environmental, Floperty	aliu nullali n	Harm			
Relea		Moderate Minor	1		
OR Act			Percent	10%	
roten		<u>  X                                   </u>	]	13/2	
>>Programmatic Matrix					
Falsification	n Major II II	Moderate Minor	Percent	0%	
L	الــــــالــــــــــــــــــــــــــــ		1 0.0011		
Failure to m	aintain a residual d	disinfectant concentration at	a minimum of 0.2 mg/L fr	ee chlorine could result	
Matrix in the deliv	ery of a significant	it amount of contaminated wa protective of huma		ould not exceed levels	
Lucususus		protective of rights	ii ricaluli.		and contact desiration of the contact desira
			Adjustmen	\$900	•
				1	\$100
Violation Events			armore du La Parasa Sult		*
Number o	f Violation Events	2	34 Number o	f violation days	The second secon
merk only of With an x	daily weekly monthly quarterly semiannual annual single event	Anna region de National de Nat	,	/iolation Base Penalty	\$200
		Two single events are re	ecommended.		
Good Faith Efforts to Comp	Extraordinary	25.0% Reduction Before NOV NOV to EDPRP/	Settlement Offer		\$50
And the state of t	Ordinary N/A	X (mark with x)			-
	Notes		ed compliance on July 1	3, 2009.	
		and the state of t		Violation Subtotal	\$150
Economic Benefit (EB) for t	nis violation		Statuto	y Limit Test	
Estim	ated EB Amount	\$210	] Violat	ion Final Penalty Total	\$193
	s section and	This violatio	n Final Assessed Pena	ty (adjusted for limits)	\$193

Michae! Sesso 38059 RN105507388 Public Water S 5 Item Cost	dba Sessos Countr upply	/ Market		!		
RN105507388 Public Water S 5	upply			:		
Public Water S 5	upply			:	CONTRACTOR OF THE STATE OF THE	
Public Water S 5	upply				CONTRACTOR OF THE PROPERTY OF	
					Percent Interest	Years of Depreciation
Item Cost					5,0	1!
	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$						
			<del>-</del> 7			
						\$0
						\$0
						\$0
						\$0
	<u> </u>					\$0
	<u> </u>					\$0
						\$0
	ļl					\$0: \$0
	ļ					\$0
ANN	IUALIZE [1] avoide	d costs before	entering	item (except for	one-time avoided c	osts)
ANN	IUALIZE [1] avoide	d costs before	entering	item (except for o	one-time avoided c	osts) \$0
ANN	UALIZE [1] avoide	d costs before				
ANN	UALIZE [1] avoide	d costs before (	0.00	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0
ANN	UALIZE [1] avoide	d costs before (	0.00	\$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
ANN	UALIZE [1] avoide	d costs before	0.00	\$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0
ANN \$100	UALIZE [1] avoide	d costs before	0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0
				0.00 0,00 0,00 0,00 0,00 0,00 0,00 0,00	0,00   \$0	0,00 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$

Scr	eening Date	27-Jul-2009		(7)(1*4(3**) A (1)(1**) ***(A (1)**)(3)(1)**(***(**)**(***)(***(**)**(**)**(**)(**)(**)(**)(**)(**)(**)(**)(**(**	Docket No. 2009-12	13-PWS-E	Pew
	Respondent		o dba Sessos	Country Marke	ŧ	Polic	y Revision 2 (September 2002)
i	Case ID No.	-				P	CW Revision October 30, 2008
Reg. Ent. Re	ference No.	RN105507388	8				
Me	dia [Statute]	Public Water	Supply				
The second secon	Coordinator		n-Mgbeoduru				
Vio	lation Number		]		MANAGEM WATER PROPERTY OF THE		
Selection of the select	Rule Cite(s)		30	Гех. Admin. Co	de § 290.46(f)(3)(A)(li)(l	II)	
Violati	on Description	Failed to investigation	. Specifically,	at the time of the	s to Commission person te investigation, it was c ted each week were not	locumented that record	S
						Base Pena	ty \$1,000
新香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香香	· Parkatatot T.	ET THERETONER IF		p 1	n neg vinarespejini.	· · · · · · · · · · · · · · · · · · ·	
>> Environmental,	Property an	d Human H	leaith Matr Harm	ΊΧ	The second of th	Autor so in in	
	Release	Major	Moderate	Minor			
OR	Actual		T		]		
	Potential				Percent	0%	
74 188 11 868 84 188	Bita in Even of						
>>Programmatic N	/latrix						
	Falsification	Major	Moderate	Minor 11	Percent	1%	
		L	JL	<u> </u>	l Leiceill	170	
Matrix Notes		The Respond	dent has failed	d to meet less th	nan 10% of the rule requ	irement.	
					Adjustme	nt \$9	90
							\$10
					•		Ψ10
Violation Events				ing the control of th			
at the ment and an acceptance of the their territories			[	<b>~</b> 1			
	Number of Vi	olation Events	11	_	34 Number	of violation days	
	merk only one with an x	daily weekly monthly quarterly semiannual annual single event	X			Violation Base Pena	ty \$10
distribution of the contract o			One si	ngle event is red	commended.	2000 CONTRACTOR CONTRA	
Good Faith Efforts	s to Comply	Extraordinary Ordinary	Before NOV	Reduction NOV to EDPRP	Settlement Offer		\$2
III COMPANY		N/A		(mark with x)			
		Notes	The Res	spondent achiev	red compliance on July	13, 2009.	
				•		Violation Subto	tal \$8
Economic Benefit	(EB) for this	violation			Statuti	ory Limit Test	
	Estimate	d EB Amount	:	\$0	] Viola	ation Final Penalty To	tal\$10
				This waster-	n Final Assessed Par	altu (adjustad for li	te) ¢en
1				inis violatio	n Final Assessed Pen	aity (adjusted for limi	ls) \$50

	Michael Coose	dba Sessos Countr	u Markot				
-		uba aessos Counti	y Market				
Case ID No.							
Reg. Ent. Reference No. Media	. RN105507388 I Public Water St	ylqqu				Percent Interest	Years of
Violation No.	.6					<u>.</u>	Depreciation
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	No commas or \$						
Delayed Costs				1 000	r c	<u> </u>	₽0
Equipment				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Buildings				0.00	\$0	\$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0	\$0 \$0
Engineering/construction				0.00	\$0	n/a	\$0
Land Record Keeping System	\$50	9-Jun-2009	13-Jul-2009	0:09	\$0	n/a	\$0
Training/Sampling	Ψ50	3-Jun-2009	10-001-2000	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
	I THE USIAYSU			acceptan			water treated
Notes for DELAYED costs	each	week. The date re	quired is the inve	stigation	date. The final da	te is the compliance	
Avoided Costs	each	week. The date re	quired is the inve	stigation entering	date. The final da	te is the compliance	date. osts)
Avoided Costs	each	week. The date re	quired is the inve	entering	date. The final da	te is the compliance	osts) \$0
Avoided Costs Disposal Personnel	each	week. The date re	quired is the inve	entering 0.00 0.00	item (except for \$0 \$0	te is the compliance	osts) \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling	each	week. The date re	quired is the inve	entering   0.00   0.00   0.00	item (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	osts)  \$0  \$0  \$0  \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment	each	week. The date re	quired is the inve	entering 0.00 0.00 0.00 0.00	date. The final da  item (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0 \$0 \$0 \$0	osts) \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampfing Suppiles/equipment Financial Assurance [2]	each	week. The date re	quired is the inve	ntering   0.00   0.00   0.00   0.00   0.00	tem (except for \$0	te is the compliance  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	each	week. The date re	quired is the inve	ntering   0.00   0.00   0.00   0.00   0.00   0.00	tem (except for \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	te is the compliance  cone-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$	date.  \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Avoided Costs Disposal Personnel Inspection/Reporting/Sampfing Suppiles/equipment Financial Assurance [2]	each	week. The date re	quired is the inve	ntering   0.00   0.00   0.00   0.00   0.00	tem (except for \$0	te is the compliance  one-time avoided c  \$0  \$0  \$0  \$0  \$0  \$0  \$0  \$0	osts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

Scr	eening Date	27-Jul-2009	<b>Docket No.</b> 2009-1213-PWS-E	P¢W
t	•		dba Sessos Country Market	Policy Revision 2 (September 2002)
:	Case ID No. eference No.			PCW Revision October 30, 2008
	dia [Statute]		u poly	
į.	Coordinator			
	olation Number			
**************************************	Rule Cite(s)	•	30 Tex. Admin. Code § 290.110(d)(1)	
Violati	on Description	Commissi	easure the free chlorine residual to a minimum accuracy of 0.1 mg/L to a pproved methods. Specifically, at the time of the investigation, it that the Facility was using comparator strips that measure 10 mg/L to mg/L of free chlorine, which is not an approved method.	was
			Base	Penalty \$1,000
\$2.500 F 800 J	- THE STREET ST			
>> Environmental	, Property an	id Human H	ealth Matrix Harm	
	Release	Major	Moderate Minor	
OR	Actual		Percent 25%	
	Potential	<u> </u>	Percent 25%	
>>Programmatic I	Matrix			
	Falsification	Major	Moderate Minor	
		<u></u>	Percent 0%	
	Failure to prov	vide accurate te	sting methods to monitor the effectiveness of the disinfection process	could
Matrix Notes	result in the	non-detection	of improperly treated water and potentially expose the public to signIff is which would exceed levels that are protective of human health.	cant
		*****	Adjustment	\$750
±	Production and		Adjustment Adjustment	
				\$250
Violation Events		in the second	997 (1994) 1 (1994) 1 (1994)	N. C.
		[	2 34 Number of violation days	
	mark only one with an x	daily weekly monthly quarterly semiannual annual single event	X Violation Base	Penalty \$500
	Two month	ly events are re	commended, calculated from the investigation date, June 9, 2009, to	the
COMPANIA OF THE PROPERTY OF TH	T WO IIIOIIGI	iy evolito ale le	compliance date, July 13, 2009	
Good Faith Efforts	s to Comply	; <u> </u>	25.0% Reduction	\$125
		Extraordinary	Before NOV NOV to EDPRP/Settlement Offer	
		Ordinary	X	
		N/A	(mark with x)	
		Notes	The Respondent achieved compliance on July 13, 2009.	
And the venture of		<u>[</u>		
s Tourist Anna Anna Anna Anna Anna Anna Anna Ann			Violation S	Subtotal \$375
Economic Benefit	t (EB) for this	violation	Statutory Limit Test	Balana ala el el .
	Estimate	d EB Amount	\$3 Violation Final Penal	ty Total \$481
enries e l'annes			<del></del>	
			This violation Final Assessed Penalty (adjusted for	r limits) \$481

	E	conomic E	senetit W	orks	neet		
Respondent	t Michael Sesso	dba Sessos Country	y Market				
Case ID No	. 38059						
Reg. Ent. Reference No	. RN105507388						
	Public Water Su	ingly					Years of
Violation No		,pp.)				Percent Interest	Depreciation
Violation No	• /					1	•
						5.0	18
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	1 No commas or \$						
Delayed Costs				<b></b>			
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	\$O	\$0	\$0
Land				0,00	\$O	ja on/a	\$0
Record Keeping System				0.00	\$0	in/a	\$0
Training/Sampling				0.00	\$O	: Ca <b>n/a</b>	\$0
Remediation/Disposal				0.00	\$0	n/a 🌼 💮	\$0
Permit Costs				0.00	\$0	% y a n/a / € 55	\$0
Other (as needed)		i:		0.00	\$0	n/a	\$0
Notes for DELAYED costs	instrument or r	nethod to measure	the free chlorine	residual"	within the distribu	tion system to a min	imum accuracy
Avoided Costs		mg/L. The date requ		entering	item (except for	one-time avoided c	osts)
Disposal		-		entering 0.00	item (except for	one-time avoided c	osts)
Disposal Personnel		-		0.00 0,00	item (except for \$0 \$0	one-time avoided c \$0 \$0	osts) \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling		-		0.00 0,00 0,00	item (except for \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0	osts) \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplios/equipment		-		0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0	one-time avoided c \$0 \$0 \$0 \$0	so s
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		-		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	so s
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		-		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]		-		0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0	sts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]		-		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sts) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0
Disposal Personnel Inspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)		-		0.00 0.00 0.00 0.00 0.00 0.00 0.00	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	sots) \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0

## **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 N/A

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?

#### Components (Multimedia) for the Site:

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

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)

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

Date: 05/06/2008

(656999)

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter D 290.46(d)(2)(A)

Description:

Fallure to provide a minimum disinfectant residual of 0.2 mg/L.

Self Report?

NO

Classification: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)

Citation:

Failure to provide a pressure tank capacity of ten gallons per unit with a minimum

Description:

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

Voluntary on-site compliance assessment dates. Η.

١. 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	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
MICHAEL SESSO DBA SESSOS	§	
COUNTRY MARKET	§	
RN105507388	§	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 Commision 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.

For the Commission

Name (Printed or typed) Authorized Representative of

Michael Sesso dba Sessos Country Market

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Executive Director	11 - 5 - 2009 Date
I, the undersigned, have read and understand the attached Agre attached Agreed Order on behalf of the entity indicated below and conditions specified therein. I further acknowledge that penalty amount, is materially relying on such representation.	my signature, and I do agree to the terms
<ul> <li>I also understand that failure to comply with the Ordering Provisition of the penalty amount, may result in:</li> <li>A negative impact on compliance history;</li> <li>Greater scrutiny of any permit applications submitted;</li> <li>Referral of this case to the Attorney General's Office penalties, and/or attorney fees, or to a collection agency;</li> <li>Increased penalties in any future enforcement actions;</li> <li>Automatic referral to the Attorney General's Office of a TCEQ seeking other relief as authorized by law.</li> <li>In addition, any falsification of any compliance documents may</li> </ul>	for contempt, injunctive relief, additional ny future enforcement actions; and

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.