

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 56189
Donald R. Cole dba Blue Ridge Water System and Susan
E. Cole dba Blue Ridge Water System
RN104709860
Docket No. 2020-1508-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

414 North Blue Jay Court, near Weatherford, Parker County

Type of Operation:

public water supply

Other Significant Matters:

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	None
Other:	None
Interested Third Parties:	None

Texas Register Publication Date: October 28, 2022

Comments Received: None

Penalty Information

Total Penalty Assessed: \$4,395

Total Paid to General Revenue: \$125

Total Due to General Revenue: \$4,270

Payment Plan: 35 payments of \$122

Compliance History Classifications:

Person/CN - Not Applicable

Site/RN - Not Applicable

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: April 2014

Investigation Information

Complaint Date: N/A

Dates of Investigation: September 28, 2020; October 5 through October 16, 2020; October 30, 2020

Dates of NOV: April 16, 2020; July 9, 2020; July 24, 2020; September 16, 2020

Dates of NOEs: October 16, 2020; October 19, 2020

Violation Information

1. Failed to report the results of cyanide sampling to the Executive Director for the January 1, 2015, through December 31, 2017, monitoring period. [TCEQ Agreed Order Docket No. 2018-0876-PWS-E Ordering Provision No. 2.a.iii.].
2. Failed to report the results of metals, minerals, synthetic organic chemical (“SOC”) contaminants (Methods 504 and 515), and radionuclides sampling to the Executive Director for the January 1, 2014, through December 31, 2016 monitoring period. [TCEQ Agreed Order Docket No. 2018-0876-PWS-E Ordering Provision No. 2.a.iii.].
3. Failed to report the results of nitrite sampling to the Executive Director for the January 1, 2019, through December 31, 2019 monitoring period. [30 TEX. ADMIN. CODE § 290.106(e)].
4. Failed to report the results of SOC contaminants Group 5 (“SOC5”) sampling to the Executive Director for the January 1, 2016, through December 31, 2018 monitoring period. [30 TEX. ADMIN. CODE § 290.107(e)].
5. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of SOC5 and asbestos sampling for the January 1, 2016, through December 31, 2018, monitoring period, and regarding the failure to report the results of volatile organic chemical (“VOC”) contaminants and nitrate sampling for the January 1, 2018, through December 31, 2018 monitoring period. [30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f)].
6. Failed to pay annual Public Health Service Fee and/or any associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2015 through 2020. [TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6)].

Corrective Actions/Technical Requirements

Corrective Action Completed:

None

Technical Requirements:

None

1. Within 30 days:
 - a. Provide public notifications regarding the failure to report the results of the SOC5 and asbestos sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period, and regarding the failure to report the results of the VOC contaminants and nitrate sampling for the January 1, 2018, through December 31, 2018, monitoring period.
 - b. Ensure that all delinquent drinking water chemical sample results for cyanide, metals, minerals, SOC contaminants (Methods 504 and 515), radionuclides, nitrite, and SOC5 contaminants are reported to the Executive Director.
 - c. Implement improvements to the Facility’s process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, metals, minerals, SOC contaminants (Methods 504 and 515), radionuclides, nitrite, and SOC5 contaminants are released by the Facility’s laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first.
 - d. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91840159.

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Docket No. 2020-1508-PWS-E

2. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Technical Requirement Nos. 1.a. through 1.d.

Litigation Information

Date Petition Filed: January 31, 2022
Date Green Card Signed: February 17, 2022
Date Answer Filed: March 3, 2022
SOAH Referral Date: July 27, 2022

Contact Information

TCEQ Attorneys: William Hogan, Litigation Division, (512) 239-3400
Sheldon Wayne, Public Interest Counsel, (512) 239-6363
TCEQ Litigation Agenda Coordinator: Katherine McKenzie, Litigation Division, (512) 239-2575
TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, (512) 239-2813
TCEQ Regional Contact: Brent Candler, Dallas/Fort Worth Regional Office, (817) 588-5800
Respondent Contact: Donald R. and Susan E. Cole, 2003 White Settlement Road, Weatherford, Texas
76807
Respondent's Attorney: N/A

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Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	19-Oct-2020	Screening	30-Oct-2020	EPA Due	
	PCW	2-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 3)
Reg. Ent. Ref. No.	RN104709860
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	56189	No. of Violations	2
Docket No.	2020-1508-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	57.0% Adjustment	Subtotals 2, 3, & 7 \$855
Notes	Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.	
Culpability	No 0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondents do not meet the culpability criteria.	
Good Faith Effort to Comply Total Adjustments		Subtotal 5 \$0
Economic Benefit		0.0% Enhancement* Subtotal 6 \$0
Total EB Amounts	\$104	*Capped at the Total EB \$ Amount
Estimated Cost of Compliance	\$985	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$2,355
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
Reduces or enhances the Final Subtotal by the indicated percentage.		
Notes		
	Final Penalty Amount	\$2,355

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$2,355
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DEFERRAL	0.0% Reduction Adjustment	\$0
Reduces the Final Assessed Penalty by the indicated percentage.		
Notes	No deferral is recommended for Findings Orders.	

PAYABLE PENALTY	\$2,355
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Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent Case ID No.	56189			
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

Policy Revision 4 (April 2014)
 PCW Revision September 1, 2019

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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%
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) 57%

>> 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 for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 57%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 57%

Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 3)			
Case ID No.	56189	<i>Policy Revision 4 (April 2014)</i>		
Reg. Ent. Reference No.	RN104709860	<i>PCW Revision September 1, 2019</i>		
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	1			
Rule Cite(s)	TCEQ Agreed Order Docket No. 2018-0876-PWS-E Ordering Provision No. 2.a.iii			
Violation Description	Failed to report the results of cyanide sampling to the Executive Director for the January 1, 2015 through December 31, 2017 monitoring period.			
Base Penalty	\$5,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
Potential				0.0%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
		x			5.0%

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

Adjustment \$4,750

\$250

Violation Events

Number of Violation Events: 1 556 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$6 Violation Final Penalty Total \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 3)
Case ID No. 56189
Reg. Ent. Reference No. RN104709860
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$54	23-Apr-2019	1-Jun-2021	2.11	\$6	n/a	\$6

Notes for DELAYED costs

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future drinking water sample results are released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1 on Penalty Calculation Worksheet No. 1.

The Record Keeping System delayed cost includes the estimated amount to pay any outstanding lab fees (\$53.75 for cyanide) so that the lab will release all drinking water chemical analysis results, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0876-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$54

TOTAL

\$6

Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 3)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	56189			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

Violation Number

Rule Cite(s)

TCEQ Agreed Order Docket No. 2018-0876-PWS-E Ordering Provision No. 2.a.iii

Violation Description

Failed to report the results of metals, minerals, synthetic organic chemical ("SOC") contaminants (Methods 504 and 515), and radionuclides sampling to the Executive Director for the January 1, 2014 through December 31, 2016 monitoring period. Specifically, the results for metals, minerals, SOC contaminants (Methods 504 and 515), and radionuclides sampling were requested to be submitted within ten days of the letter dated May 18, 2017, but were not provided.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0.0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5.0%"/>
Matrix Notes	<input type="text" value="100% of the rule requirements were not met."/>				

Adjustment

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

Violation Base Penalty

Good Faith Efforts to Comply Reduction

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text"/>

Notes

Violation Subtotal

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 3)

Case ID No. 56189

Reg. Ent. Reference No. RN104709860

Media Public Water Supply

Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$931	23-Apr-2019	1-Jun-2021	2.11	\$98	n/a	\$98
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future drinking water sample results are released by the Facility's laboratories and timely reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1 on Penalty Calculation Worksheet No. 1.

The first Other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$160.16 for metals, \$102.25 for minerals, \$75.67 for SOC contaminants Method 504, \$313.25 for SOC contaminants Method 515, and \$279.35 for radionuclides) so that the lab will release all drinking water chemical analysis results, calculated from the effective date of TCEQ Agreed Order Docket No. 2018-0876-PWS-E to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$931

TOTAL

\$98



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES	Assigned	19-Oct-2020	Screening	30-Oct-2020	EPA Due	
	PCW	2-Nov-2020				

RESPONDENT/FACILITY INFORMATION	
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 2)
Reg. Ent. Ref. No.	RN104709860
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	56189	No. of Violations	2
Docket No.	2020-1508-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$5,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,250
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	57.0% Adjustment	Subtotals 2, 3, & 7	\$712
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Notes: Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
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Notes: The Respondents do not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts: \$7
 Estimated Cost of Compliance: \$108
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,962
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,962
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,962
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DEFERRAL	0.0% Reduction Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,962
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Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent Case ID No.	56189			
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

Policy Revision 4 (April 2014)
PCW Revision September 1, 2019

Compliance History Worksheet

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

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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%
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) 57%

>> **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 for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 57%

>> **Final Compliance History Adjustment**

Final Adjustment Percentage *capped at 100% 57%

Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 2)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	56189			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	1			
Rule Cite(s)	30 Tex. Admin. Code § 290.106(e)			
Violation Description	Failed to report the results of nitrite sampling to the Executive Director for the January 1, 2019 through December 31, 2019 monitoring period.			
		Base Penalty	\$5,000	

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
		x			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.				
					Adjustment \$4,750

\$250

Violation Events

Number of Violation Events Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$250

One single event is recommended.

Good Faith Efforts to Comply Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$250

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$393

This violation Final Assessed Penalty (adjusted for limits) \$393

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 2)
Case ID No. 56189
Reg. Ent. Reference No. RN104709860
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$8	10-Jan-2021	1-Jun-2021	0.39	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost to implement process procedures, training, and/or oversight to ensure that future drinking water sample results are released by the Facility's laboratories and reported to the Executive Director is captured in the Economic Benefit Worksheet for Violation No. 1 on Penalty Calculation Worksheet No. 1.

The Other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$8.49 for nitrite) so that the lab will release all drinking water chemical analysis results, calculated from the date the sampling results were due to the estimated date of compliance.

Avoided Costs **ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$8	TOTAL	\$0
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Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	56189			<i>PCW Revision September 1, 2019</i>
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

Violation Number	2
Rule Cite(s)	30 Tex. Admin. Code § 290.122(c)(2)(A) and (f)
Violation Description	Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of synthetic organic chemical contaminants Group 5 ("SOC5") and asbestos sampling for the January 1, 2016 through December 31, 2018 monitoring period and regarding the failure to report the results of volatile organic chemical ("VOC") contaminants and nitrate sampling for the January 1, 2018 through December 31, 2018 monitoring period.
Base Penalty	\$5,000

>> Environmental, Property and Human Health Matrix

OR		Harm			
	Release	Major	Moderate	Minor	
	Actual				Percent 0.0%
Potential					

>> Programmatic Matrix

		Major	Moderate	Minor	
Falsification		x			Percent 5.0%
Matrix Notes	100% of the rule requirements were not met.				
	Adjustment				\$4,750

\$250

Violation Events

Number of Violation Events	4	294	Number of violation days
	daily		
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
	Violation Base Penalty	\$1,000	

Four single events are recommended.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	
Notes	The Respondents do not meet the good faith criteria for this violation.	

Violation Subtotal \$1,000

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$7 Violation Final Penalty Total \$1,570

This violation Final Assessed Penalty (adjusted for limits) \$1,570

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan
Case ID No. 56189
Reg. Ent. Reference No. RN104709860
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	10-Jan-2020	1-Jun-2021	1.39	\$7	n/a	\$7

Notes for DELAYED costs

The Other (as needed) delayed cost includes the estimated amount to ensure that the delinquent public notifications (\$25 per notification x four notifications) are provided to persons served by the Facility and a copy of each notification, accompanied with a signed Certificate of Delivery, is provided to the Executive Director, calculated from the the due date of the earliest public notification to the estimated date of compliance.

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$7



Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision March 26, 2014

DATES	Assigned	19-Oct-2020	Screening	30-Oct-2020	EPA Due	
	PCW	2-Nov-2020				

RESPONDENT/FACILITY INFORMATION

Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 1)	
Reg. Ent. Ref. No.	RN104709860	
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source Minor

CASE INFORMATION

Enf./Case ID No.	56189	No. of Violations	2
Docket No.	2020-1508-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Miles Wehner
		EC's Team	Enforcement Team 8
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$50
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	57.0% Adjustment	Subtotals 2, 3, & 7	\$28
Notes	Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.		
Culpability	No	0.0% Enhancement	Subtotal 4 \$0
Notes	The Respondents do not meet the culpability criteria.		
Good Faith Effort to Comply Total Adjustments		Subtotal 5	\$0
Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
Total EB Amounts	\$27	*Capped at the Total EB \$ Amount	
Estimated Cost of Compliance	\$304		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$78
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes		Final Penalty Amount	\$78
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$78
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DEFERRAL	0.0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage.

Notes	No deferral is recommended for Findings Orders.		
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PAYABLE PENALTY	\$78
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Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent Case ID No.	56189			
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			

Policy Revision 4 (April 2014)
PCW Revision March 26, 2014

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Number	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	3	15%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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%
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) 57%

>> 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 for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 57%

>> Final Compliance History Adjustment

Final Adjustment Percentage *capped at 100% 57%

Screening Date 30-Oct-2020 **Docket No.** 2020-1508-PWS-E **PCW**
Respondent Donald R. Cole dba Blue Ridge Water System and Susan
Case ID No. E. Cole dba Blue Ridge Water System (PCW No. 1) *Policy Revision 4 (April 2014)*
 56189 *PCW Revision March 26, 2014*
Reg. Ent. Reference No. RN104709860
Media Public Water Supply
Enf. Coordinator Miles Wehner

Violation Number 1
Rule Cite(s) 30 Tex. Admin. Code § 290.107(e)
Violation Description Failed to report the results of synthetic organic chemical contaminants Group 5 ("SOC5") sampling to the Executive Director for the January 1, 2016 through December 31, 2018 monitoring period.

Base Penalty \$1,000

>> **Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0.0%
	Potential				

>> **Programmatic Matrix**

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			5.0%

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

Adjustment \$950

\$50

Violation Events

Number of Violation Events: 1 659 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply 0.0% Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	

Notes: The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal \$50

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount: \$27 Violation Final Penalty Total: \$79

This violation Final Assessed Penalty (adjusted for limits) \$79

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 1)
Case ID No. 56189
Reg. Ent. Reference No. RN104709860
Media Violation No. Public Water Supply
 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$100	5-Oct-2020	1-Jun-2021	0.65	\$3	n/a	\$3
Remediation/Disposal				0.00	\$0	n/a	\$0
Other (as needed)	\$204	10-Jan-2019	1-Jun-2021	2.39	\$24	n/a	\$24
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The Training/Sampling delayed cost includes the estimated amount to implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that all future drinking water sample results are released by the Facility's laboratories and timely reported to the Executive Director, calculated from the record review date to the estimated date of compliance.

The other (as needed) delayed cost includes the estimated amount to pay any outstanding lab fees (\$205.41 for SOC5) so that the lab will release all drinking water chemical analysis results, calculated from the due date of the sampling results to the estimated date of compliance.

Avoided Costs ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$304

TOTAL \$27

Screening Date	30-Oct-2020	Docket No.	2020-1508-PWS-E	PCW
Respondent	Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 1)			<i>Policy Revision 4 (April 2014)</i>
Case ID No.	56189			<i>PCW Revision March 26, 2014</i>
Reg. Ent. Reference No.	RN104709860			
Media	Public Water Supply			
Enf. Coordinator	Miles Wehner			
Violation Number	2			
Rule Cite(s)	30 Tex. Admin. Code § 290.51(a)(6) and Tex. Water Code § 5.702			
Violation Description	Failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2015 through 2020.			
Base Penalty	\$1,000			

>> Environmental, Property and Human Health Matrix

OR	Harm				Percent
	Release	Major	Moderate	Minor	
	Actual				
	Potential				

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0.0%
Matrix Notes					

Adjustment \$1,000

\$0

Violation Events

Number of Violation Events Number of violation days

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty \$0

All penalties and fees will be determined by the Financial Administration Division at the next billing cycle.

Good Faith Efforts to Comply **0.0%** Reduction \$0

	Before NOE/NOV	NOE/NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	x	

Notes: The Respondents do not meet the good faith criteria for this violation.

Violation Subtotal \$0

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 **Violation Final Penalty Total** \$0

This violation Final Assessed Penalty (adjusted for limits) \$0

Economic Benefit Worksheet

Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 1)
Case ID No. 56189
Reg. Ent. Reference No. RN104709860
Media Violation No. Public Water Supply
 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
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Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

N/A

Avoided Costs

ANNUALIZE 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				0.00	\$0	\$0	\$0
ONE-TIME avoided costs				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0



Compliance History Report

Compliance History Report for CN602202541, RN104709860, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN602202541, Donald R. Cole
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN104709860, BLUE RIDGE WATER SYSTEM
Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 414 NORTH BLUE JAY COURT, NEAR WEATHERFORD, PARKER COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840159

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: March 10, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2016 to March 10, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Miles Wehner

Phone: (512) 239-2813

Site and Owner/Operator History:

- 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/11/2017 ADMINORDER 2016-1749-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR YR2015 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: SOC5 MR 3Y2015 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the triennial monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR YR2015 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.115(e)
Description: DBP2 MR YR2015 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2015 to 06/30/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DBP2 MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant byproducts monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: OCT/2014 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 10/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 1st 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2014 to 06/30/2014.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2014 and 2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13072 for calendar years 2012 and 2013.

2 Effective Date: 04/23/2019 ADMINORDER 2018-0876-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: CYN MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(1)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC 504, 515 MR 3Y2016 - The system failed to monitor and/or report synthetic organic contaminants (method 504 and 515) levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL/MIN MR 3Y2016 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)

30 TAC Chapter 290, SubChapter F 290.108(f)(3)

30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Y2016 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: VOC MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: VOC MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NO3 MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NO3 MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC 504 and 515 MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (method 504 and 515) monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MTL/MIN MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a metal/mineral monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: RAD MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a radionuclide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC Group SOC5 MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (group SOC5) monitoring and reporting violation for the triennial monitoring period from 01/01/2013 to 12/31/2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service Fees and associated late fees for the TCEQ Financial Administrative Account No. 91840159 for the fiscal years 2016 through 2018.



Compliance History Report

Compliance History Report for CN603161993, RN104709860, Rating Year 2020 which includes Compliance History (CH) components from September 1, 2015, through August 31, 2020.

Customer, Respondent, or Owner/Operator: CN603161993, Susan E. Cole
Classification: NOT APPLICABLE **Rating:** N/A

Regulated Entity: RN104709860, BLUE RIDGE WATER SYSTEM
Classification: NOT APPLICABLE **Rating:** N/A

Complexity Points: N/A **Repeat Violator:** N/A

CH Group: 14 - Other

Location: 414 NORTH BLUE JAY COURT, NEAR WEATHERFORD, PARKER COUNTY, TEXAS

TCEQ Region: REGION 04 - DFW METROPLEX

ID Number(s):
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1840159

Compliance History Period: September 01, 2015 to August 31, 2020 **Rating Year:** 2020 **Rating Date:** 09/01/2020

Date Compliance History Report Prepared: March 10, 2021

Agency Decision Requiring Compliance History: Enforcement

Component Period Selected: March 10, 2016 to March 10, 2021

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.

Name: Miles Wehner **Phone:** (512) 239-2813

Site and Owner/Operator History:

- 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

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

- 1 Effective Date: 07/11/2017 ADMINORDER 2016-1749-PWS-E (1660 Order-Agreed Order With Denial)
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(e)
Description: NO3 MR YR2015 - The system failed to monitor and/or report nitrate levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: SOC5 MR 3Y2015 - The system failed to monitor and/or report synthetic organic contaminants (Group SOC5) levels to the TCEQ for the triennial monitoring period from 01/01/2013 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(e)
Description: VOC MR YR2015 - The system failed to monitor and/or report volatile organic contaminants levels to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015 within the required timeline.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.115(e)
Description: DBP2 MR YR2015 - This system failed to monitor and/or report disinfectant byproduct levels in its distribution system to the TCEQ for the annual monitoring period from 01/01/2015 to 12/31/2015.
Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 07/01/2014 to 12/31/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.117(i)(6)
30 TAC Chapter 290, SubChapter F 290.117(j)

Description: LCR LCN - The system failed to provide a consumer notice of lead tap water monitoring results to persons served at the sites (taps) that were tested during the six-month monitoring period from 01/01/2015 to 06/30/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: DBP2 MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a disinfectant byproducts monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: OCT/2014 TCR Increase MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct increase coliform monitoring for the month of 10/2014.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)

Description: LCR IN MR PN 1st 6M2014 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a distribution initial lead and copper monitoring and reporting violation for the six-month monitoring period from 01/01/2014 to 06/30/2014.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service fees and associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2014 and 2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702
30 TAC Chapter 291, SubChapter D 291.76

Description: Failed to pay regulatory assessment fees for the TCEQ Public Utility Account regarding Certificate of Convenience and Necessity No. 13072 for calendar years 2012 and 2013.

2 Effective Date: 04/23/2019 ADMINORDER 2018-0876-PWS-E (1660 Order-Agreed Order With Denial)

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: CYN MR 3Y2017 - The system failed to monitor and/or report cyanide levels to the TCEQ for the triennial monitoring period from 01/01/2015 to 12/31/2017 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.107(c)(1)
30 TAC Chapter 290, SubChapter F 290.107(e)

Description: SOC 504, 515 MR 3Y2016 - The system failed to monitor and/or report synthetic organic contaminants (method 504 and 515) levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(4)
30 TAC Chapter 290, SubChapter F 290.106(c)(9)
30 TAC Chapter 290, SubChapter F 290.106(e)

Description: MTL/MIN MR 3Y2016 - The system failed to monitor and/or report metal/mineral levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)
30 TAC Chapter 290, SubChapter F 290.108(e)

30 TAC Chapter 290, SubChapter F 290.108(f)(3)

30 TAC Chapter 290, SubChapter F 290.108(f)(4)

Description: RAD MR 3Y2016 - The system failed to monitor and/or report radionuclide levels to the TCEQ for the triennial monitoring period from 01/01/2014 to 12/31/2016 within the required timeline.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: VOC MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: VOC MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a volatile organic contaminants monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NO3 MR PN YR2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2016 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: NO3 MR PN YR2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a nitrate monitoring and reporting violation for the annual monitoring period from 01/01/2015 to 12/31/2015.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC 504 and 515 MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (method 504 and 515) monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: MTL/MIN MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a metal/mineral monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: RAD MR PN 3Y2016 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a radionuclide monitoring and reporting violation for the triennial monitoring period from 01/01/2014 to 12/31/2016.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: SOC Group SOC5 MR PN 3Y2015 Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for a synthetic organic contaminants (group SOC5) monitoring and reporting violation for the triennial monitoring period from 01/01/2013 to 12/31/2015.

Classification: Minor

Citation: 2A TWC Chapter 5, SubChapter A 5.702

30 TAC Chapter 290, SubChapter D 290.51(a)(6)

Description: Failed to pay Public Health Service Fees and associated late fees for the TCEQ Financial Administrative Account No. 91840159 for the fiscal years 2016 through 2018.

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
DONALD R. COLE DBA BLUE RIDGE
WATER SYSTEM AND SUSAN
E. COLE DBA BLUE RIDGE WATER
SYSTEM;
RN104709860

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BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER

DOCKET NO. 2020-1508-PWS-E

On _____, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System ("Respondents") under the authority of TEX. WATER CODE ch. 5 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondents presented this Order to the Commission.

Respondents understand that they have certain procedural rights at certain points in the enforcement process, including the right to formal notice of violations, to request an evidentiary hearing, receive notice of an evidentiary hearing, and a right to appeal. By entering into this Order, Respondents agree to waive all notice and procedural rights which might otherwise be authorized or required in this action.

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

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

FINDINGS OF FACT

1. Respondents own and operate a public water system ("PWS") located at 414 North Blue Jay Court near Weatherford, Parker County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 90 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a PWS as defined in 30 TEX. ADMIN. CODE §290.38(71).
2. During a record review conducted on September 28, 2020, an investigator documented that Respondents:
 - a. Failed to report the results of cyanide sampling to the Executive Director for the January 1, 2015, through December 31, 2017 monitoring period; and
 - b. Failed to report the results of metals, minerals, synthetic organic chemical ("SOC") contaminants (Methods 504 and 515), and radionuclides sampling to the Executive Director for the January 1, 2014, through December 31, 2016 monitoring period. Specifically, the results for metals, minerals, SOC contaminants (Methods 504 and 515), and radionuclides sampling were requested to be submitted within ten days of the letter dated May 18, 2017, but were not provided.

3. During an investigation conducted from October 5, 2020, through October 16, 2020, an investigator documented that Respondents:
 - a. Failed to report the results of nitrite sampling to the Executive Director for the January 1, 2019, through December 31, 2019 monitoring period;
 - b. Failed to report the results of SOC contaminants Group 5 ("SOC5") sampling to the Executive Director for the January 1, 2016, through December 31, 2018 monitoring period; and
 - c. Failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of SOC5 and asbestos sampling for the January 1, 2016, through December 31, 2018 monitoring period, and regarding the failure to report the results of volatile organic chemical ("VOC") contaminants and nitrate sampling for the January 1, 2018, through December 31, 2018 monitoring period.
4. During an investigation conducted on October 30, 2020, TCEQ staff documented that Respondents did not pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2015 through 2020.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, Respondents are subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE ch. 5, TEX. HEALTH & SAFETY CODE ch. 341, and the rules of the TCEQ.
2. As evidenced by Finding of Fact No. 2.a., Respondents failed to report the results of cyanide sampling to the Executive Director for the January 1, 2015, through December 31, 2017 monitoring period, in violation of TCEQ Agreed Order Docket No. 2018-0876-PWS-E, Ordering Provision No. 2.a.iii.
3. As evidenced by Finding of Fact No. 2.b., Respondents failed to report the results of metals, minerals, SOC contaminants (Methods 504 and 515), and radionuclides sampling to the Executive Director for the January 1, 2014, through December 31, 2016 monitoring period, in violation of TCEQ Agreed Order Docket No. 2018-0876-PWS-E, Ordering Provision No. 2.a.iii.
4. As evidenced by Finding of Fact No. 3.a., Respondents failed to report the results of nitrite sampling to the Executive Director for the January 1, 2019, through December 31, 2019 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.106(e).
5. As evidenced by Finding of Fact No. 3.b., Respondents failed to report the results of SOC5 sampling to the Executive Director for the January 1, 2016, through December 31, 2018 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.107(e).
6. As evidenced by Finding of Fact No. 3.c., Respondents failed to provide public notification and submit a copy of the public notification, accompanied with a signed Certificate of Delivery, to the Executive Director regarding the failure to report the results of SOC5 and asbestos sampling for the January 1, 2016, through December 31, 2018 monitoring period, and regarding the failure to report the results of VOC contaminants and nitrate sampling for the January 1, 2018, through December 31, 2018 monitoring period, in violation of 30 TEX. ADMIN. CODE § 290.122(c)(2)(A) and (f).
7. As evidenced by Finding of Fact No. 4, Respondents failed to pay annual Public Health Service fees and/or any associated late fees for TCEQ Financial Administration Account No. 91840159 for Fiscal Years 2015 through 2020, in violation of TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6).

8. Pursuant to TEX. HEALTH & SAFETY CODE §341.049(a), TCEQ has the authority to assess an administrative penalty against Respondents for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of four thousand three hundred ninety-five dollars (\$4,395.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE §341.049(b). Respondents paid one hundred twenty-five dollars (\$125.00) of the penalty. The remaining amount of four thousand two hundred seventy dollars (\$4,270.00) shall be paid in thirty-five (35) monthly payments of one hundred twenty-two dollars (\$122.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until the penalty is paid in full. If Respondents fail to timely and satisfactorily comply with the payment requirements of this Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondents' failure to meet the payment schedule of this Order and/or the acceleration of any remaining balance constitutes the failure by Respondents to timely and satisfactorily comply with all the terms of this Order.

ORDERING PROVISIONS

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

1. Respondents are assessed an administrative penalty as set forth in Conclusion of Law No. 9 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondents' compliance with all requirements set forth in this Order resolve only the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for violations which are not raised here. Penalty payments shall be made payable to TCEQ and shall be sent with the notation "Re: Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System, Docket No. 2020-1508-PWS-E" to:

Financial Administration Division
Revenue Operations Section
Texas Commission on Environmental Quality
Attention: Cashier's Office, MC 214
P.O. Box 13088
Austin, Texas 78711-3088
2. Respondents shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Order:
 - i. Provide public notifications regarding the failure to report the results of the SOC5 and asbestos sampling to the Executive Director for the January 1, 2016, through December 31, 2018, monitoring period, and regarding the failure to report the results of the VOC contaminants and nitrate sampling for the January 1, 2018, through December 31, 2018, monitoring period, in accordance with 30 TEX. ADMIN. CODE § 290.122 (Conclusion of Law No. 6);
 - ii. Ensure that all delinquent drinking water chemical sample results for cyanide, metals, minerals, SOC contaminants (Methods 504 and 515), radionuclides, nitrite, and SOC5 contaminants are reported to the Executive Director, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.108 (Conclusions of Law Nos. 2 through 5);

- iii. Implement improvements to the Facility's process procedures, guidance, training, and/or oversight to ensure that future drinking water chemical sample results for cyanide, metals, minerals, SOC contaminants (Methods 504 and 515), radionuclides, nitrite, and SOC5 contaminants are released by the Facility's laboratories and reported to the Executive Director within the first ten days following the month in which the results are received by the public water system, or the first ten days following the end of the monitoring period, whichever occurs first, in accordance with 30 TEX. ADMIN. CODE §§ 290.106, 290.107, and 290.108 (Conclusions of Law Nos. 2 through 5); and
- iv. Submit payment for all outstanding fees, interest, and penalties for TCEQ Financial Administration Account No. 91840159, in accordance with TEX. WATER CODE § 5.702 and 30 TEX. ADMIN. CODE § 290.51(a)(6) (Conclusion of Law No. 7). The payment shall be sent with the notation "Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System, Financial Administration Account No. 91840159" to the following address:

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

- b. Within 45 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provisions Nos. 2.a.i. through 2.a.iv. The certification shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by both Respondents, and shall include the following certification language:

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

The written certification and supporting documentation necessary to demonstrate compliance with these Ordering Provisions shall be sent to:

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

and:

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

- 3. All relief not expressly granted in this Order is denied.

4. The duties and provisions imposed by this Order shall apply to and be binding upon Respondents. Respondents are ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Respondents shall be made in writing to the Executive Director. Extensions are not effective until Respondents receive written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director. Extension requests shall be sent to the Enforcement Division at the address listed above.
6. This Order, issued by the Commission, shall not be admissible against Respondents in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order, or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the OAG for further enforcement proceedings if the Executive Director determines that Respondents have not complied with one or more of the terms or conditions in this Order.
7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.
8. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms: electronic transmission, owner, person, writing, and written, shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. The effective date of this Order is the date it is signed by the Commission. A copy of this fully executed Order shall be provided to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

Date

Erin E. Chamallop

11/14/22

For the Executive Director

Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.

Donald R. Cole

Signature - Donald R. Cole, Owner
2003 White Settlement Road
Weatherford, Texas 76807

9/20/22

Date

Susan E. Cole

Signature - Susan E. Cole, Owner
2003 White Settlement Road
Weatherford, Texas 76807

9/20/22

Date

If mailing address has changed, please check this box and provide the new address below:
