# 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:\$4,395Total Paid to General Revenue:\$125Total Due to General Revenue:\$4,270Payment Plan: 35 payments of\$122

**Compliance History Classifications:** 

Person/CN - Not Applicable Site/RN - Not Applicable

Major Source:NoStatutory 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 NOVs:** April 16, 2020; July 9, 2020; July 24, 2020; September

16, 2020

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

# 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

## **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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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

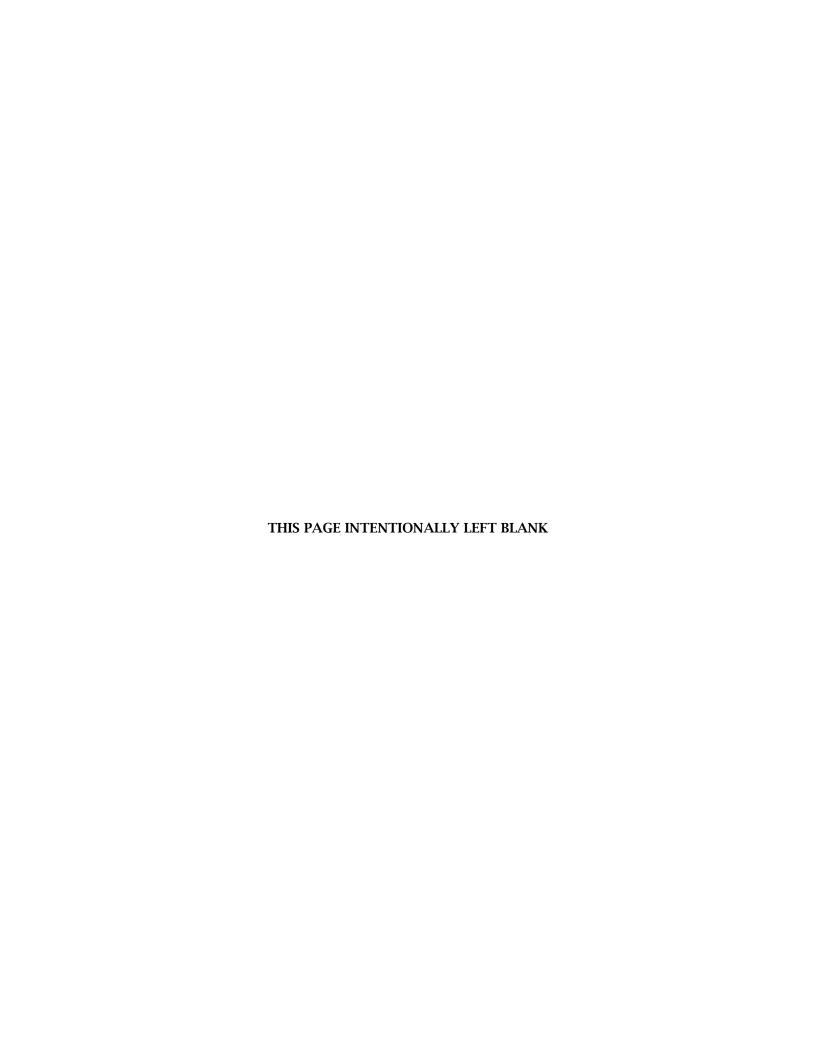
TCEQ Enforcement Coordinator: Miles Wehner, Enforcement Division, (512) 239-2813

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





# Penalty Calculation Worksheet (PCW)

Policy Revision 4 (April 2014)

PCW Revision September 1, 2019

DATES Assigned 19-Oct-2020 PCW 2-Nov-2020

2-Nov-2020 Screening 30-Oct-2020

EPA Due

RESPONDENT/FACILITY INFORMATION						
	Donald R. Cole dba Blue Ridge Water System and Susan					
Respondent	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	f Violations	2	
Docket No.	2020-1508-PWS-E		(	Order Type	Findings	
Media Program(s)	Public Water Supply		Government/	/Non-Profit	No	
Multi-Media			Enf. C	Coordinator	Miles Wehner	
				EC's Team	Enforcement Team 8	
Admin. Penalty \$ I	imit Minimum \$50 M	aximum	\$5,000	•		

Adı	min. Penalty \$	Limit Minimum	\$50 <b>Ma</b> :	xımum	\$5,000			
			Penalty	Calcula	tion Section	on		
TOTA	L BASE PENA	LTY (Sum of v	iolation bas	se penal	ties)		Subtotal 1	\$1,500
ADJU	STMENTS (+	/-) TO SUBTO	TAL 1					
	Subtotals 2-7 are of Compliance Hi	Enhancement for	three NOVs wit	57.0% th the same	Adjustment e/similar violation	Subtons, one NOV	otals 2, 3, & 7	\$855
	Culpability	No		0.0%	Enhancement		Subtotal 4	\$0
	Notes	The Res	pondents do no	t meet the	culpability criter	ia.		
	Good Faith Eff	ort to Comply To	tal Adjustmen	ts			Subtotal 5	\$0
	Economic Ben	efit Total EB Amounts	¢104		Enhancement* d at the Total EB \$ A	lmount	Subtotal 6	\$0
	Estimated	Cost of Compliance	\$104 \$985	Сарре	u at the Total LD \$ A	amount		
SUM	OF SUBTOTA	LS 1-7					Final Subtotal	\$2,355
OTHE Reduces	R FACTORS A	AS JUSTICE MA	AY REQUIRE		0.0%		Adjustment	\$0
	Notes	,						
						Final Pe	nalty Amount	\$2,355
STAT	UTORY LIMI	T ADJUSTMENT	Г			Final Asse	essed Penalty	\$2,355
<b>DEFE</b> Reduces		enalty by the indicated p	percentage.		0.0%	Reduction	Adjustment	\$0
	Notes	No de	ferral is recomn	mended for	Findings Orders			
PAYA	BLE PENALT	Υ						\$2,355
							•	

Screening Date 30-Oct-2020

**Docket No.** 2020-1508-PWS-E

**PCW** 

Donald R. Cole dba Blue Ridge Water System and Susan

Respondent E. Cole dba Blue Ridge Water System (PCW No. 3)

**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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
Decrees	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 (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

	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 Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

N/A Adjustment Percentage (Subtotal 3)

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

N/A Adjustment Percentage (Subtotal 7)

>> 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%

	R	ening Date Respondent Case ID No.	Donald R. Cole E. Cole dba Blu	dba Blue Ridg ıe Ridge Water	Dock e Water System - System (PCW	<b>et No.</b> 2020-15 n and Susan No. 3)	Poli	PCW  cy Revision 4 (April 2014) vision September 1, 2019
Reg.	Ent. Ref Enf. C	erence No.	RN104709860 Public Water S Miles Wehner	upply			FCW AG	vision September 1, 2019
		Rule Cite(s)	TCEQ Agreed	l Order Docket	: No. 2018-0876	5-PWS-E Ordering	g Provision No. 2.a.iii	
	Violatio	n Description				pling to the Exec r 31, 2017 monit	utive Director for the coring period.	
<b>-</b>	•						Base Penalt	<b>y</b> \$5,000
>> Env	/ironme	ntai, Proper	ty and Hum	Harm	Matrix			
OR		<b>Release</b> Actual	Major	Moderate	Minor			
OK		Potential				Percen	0.0%	
>>Proc	gramma	tic Matrix						
	J. C	Falsification	Major	Moderate	Minor	_		
			Х			Percen	5.0%	
	Matrix Notes		100	0% of the rule	requirements w	vere not met.		
						Adjustmen	t \$4,75	0
								\$250
Violatio	on Event	te						
Violatio	JII EVEIII							
		Number of \	iolation Events	1		556 Number	of violation days	
			daily					
			weekly monthly					
			quarterly			Vie	olation Base Penalt	<b>y</b> \$250
			semiannual annual					
			single event	Х				
				One single e	event is recomm	nended.		
Good F	aith Effo	orts to Com	ply	0.0%			Reduction	\$0
				Before NOE/NOV	NOE/NOV to EDPR	RP/Settlement Offer		
			Ordinary					
			N/A	Х				
			Notes	The Respond	ents do not me this vio	et the good faith plation.	criteria for	
							Violation Subtota	\$250
Econon	nic Bene	fit (EB) for	this violation	on		Statut	ory Limit Test	
		Estimate	ed EB Amount		\$6	Violatio	n Final Penalty Tota	\$393
							, (adjusted for limits	
				7.010		22300u i citatty	(aajastea loi illilles	φ555

	E	conomic	Benefit	Wo	rksheet		
D	Donald R. Cole	e dba Blue Ridge V	Vater System a	nd Susa	in		
Kesponaent	E. Cole dba Bl	ue Ridge Water Sy	stem (PCW No	3)			
Case ID No.							
Reg. Ent. Reference No.							
	Public Water S						Years of
Violation No.						Percent Interest	Depreciation
7101410111101	_					5.0	. 15
	Itom Cost	Date Required	Einal Date	Vrc	Interest Saved	Costs Saved	EB Amount
Thom Decemention	Item Cost	Date Required	rillai Date	113	Tillerest Saveu	Costs Saveu	LB Alliount
Item Description							
Dalawad Casta							
Delayed Costs Equipment		1		0.00	\$0	\$0	\$0
Buildings				0.00	\$0 \$0	\$0 \$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 Permit Costs				0.00	\$0 \$0	n/a n/a	\$0 \$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	ANNU	ALIZE avoided co	osts before er	tering	item (except for	one-time avoide	d costs)
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
nspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/Equipment				0.00	\$0	\$0	\$0 \$0
Financial Assurance ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Notes for AVOIDED costs					7.2	¥ -	
Approx. Cost of Compliance		\$54			TOTAL		\$6

	Scree	ening Date				ket No. 2020-1508	-PWS-E	PCW
	D	ecnondent	Donald R. Cole	dba Blue Ridge	Water Syster	n and Susan	Dalla	Davisian 4 (April 2014)
	C	ase ID No.	E. Cole dba Blu	ue Ridge Water	System (PCW	No. 3)		Revision 4 (April 2014)
Dea l			RN104709860				PCW Revi	sion September 1, 2019
ixeg.	Liit. Keit		Public Water S					
	Enf. Co		Miles Wehner	шрргу				
		tion Number		1				
		Rule Cite(s)						
		,		d Order Docket	No. 2018-087	'6-PWS-E Ordering Pr	ovision No. 2.a.iii	
	Violation	Description	contaminants Director for Specifically, t	(Methods 504 at the January 1, 2 at the results for main tonuclides samp	and 515), and 2014 through etals, mineral ling were requ	rals, synthetic organic radionuclides samplir December 31, 2016 n s, SOC contaminants lested to be submitte 7, but were not provi	ng to the Executive nonitoring period. (Methods 504 and d within ten days of	
							Base Penalty	\$5,000
	_							7-1-30
>> Env	ironmen	tal, Proper	rty and Hun	nan Health I	Matrix			
		Release	Major	<b>Harm</b> Moderate	Minor			
OR		Actual		Moderate	Millor			
0.1		Potential				Percent	0.0%	
				1		_		
>>Prog	grammat	ic Matrix						
	<b></b>	Falsification	Major	Moderate	Minor			
			Х			Percent	5.0%	
	ir.							1
	Matrix							
			10	0% of the rule	requirements	were not met.		
	Notes		10	00% of the rule	requirements	were not met.		
			10	0% of the rule	requirements	Adjustment	\$4,750	
			10	10% of the rule	requirements		\$4,750	¢250
			10	10% of the rule	requirements		\$4,750	\$250
Violatio		s	10	10% of the rule	requirements		\$4,750	\$250
Violatio	Notes	_			requirements	Adjustment		\$250
Violatio	Notes	_	/iolation Events		requirements	Adjustment	\$4,750 violation days	\$250
Violatio	Notes	_	/iolation Events		requirements	Adjustment		\$250
Violatio	Notes	_	/iolation Events daily		requirements	Adjustment		\$250
Violatio	Notes	_	/iolation Events daily weekly		requirements	Adjustment		\$250
Violatio	Notes	_	/iolation Events daily		requirements	Adjustment  556  Number of		\$250
Violatio	Notes	_	/iolation Events daily weekly monthly		requirements	Adjustment  556  Number of	violation days	·
Violatio	Notes	_	daily daily weekly monthly quarterly semiannual annual		requirements	Adjustment  556  Number of	violation days	·
Violatio	Notes	_	/iolation Events daily weekly monthly quarterly semiannual		requirements	Adjustment  556  Number of	violation days	·
Violatio	Notes	_	daily daily weekly monthly quarterly semiannual annual	5	requirements	Adjustment  556  Number of	violation days	·
Violatio	Notes	_	daily daily weekly monthly quarterly semiannual annual	5 		Adjustment  556  Number of  Viola	violation days	·
Violatio	Notes	_	daily daily weekly monthly quarterly semiannual annual	5		Adjustment  556  Number of  Viola	violation days	·
	on Events	Number of \	daily daily weekly monthly quarterly semiannual annual single event	5 		Adjustment  556  Number of  Viola	violation days	·
	on Events	_	daily daily weekly monthly quarterly semiannual annual single event	5 5 x Five single even	ents are recor	Adjustment  556  Number of  Viola	violation days	·
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	Five single even	ents are recor	Adjustment  556  Number of  Viola	violation days tion Base Penalty	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	Five single even to the single e	ents are recor	Adjustment  556  Number of  Viola	violation days tion Base Penalty	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	Five single evo	ents are recor	Adjustment  556  Number of  Viola	violation days tion Base Penalty	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	Five single even	ents are recor	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer	violation days  tion Base Penalty  Reduction	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	x  Five single even  0.0%  Before NOE/NOV  X  The Respondence	ents are recon	Adjustment  556  Number of  Viola  mended.  RP/Settlement Offer  eet the good faith crit	violation days  tion Base Penalty  Reduction	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	x  Five single even  0.0%  Before NOE/NOV  X  The Respondence	ents are recon	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer	violation days  tion Base Penalty  Reduction	\$1,250
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	x  Five single even  0.0%  Before NOE/NOV  X  The Respondence	ents are recon	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer  eet the good faith crit olation.	violation days  tion Base Penalty  Reduction	\$1,250 \$0
	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	x  Five single even  0.0%  Before NOE/NOV  X  The Respondence	ents are recon	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer  eet the good faith crit olation.	violation days  tion Base Penalty  Reduction	\$1,250
Good Fa	on Events	Number of \	daily weekly monthly quarterly semiannual annual single event	Five single evo	ents are recon	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer  eet the good faith critical collision.	violation days  tion Base Penalty  Reduction	\$1,250 \$0
Good Fa	on Events	rts to Com	daily weekly monthly quarterly semiannual annual single event   Extraordinary Ordinary N/A Notes	Five single even to the single e	ents are recon	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer  eet the good faith crit olation.	violation days  tion Base Penalty  Reduction  eria for  Violation Subtotal	\$1,250 \$0 \$1,250
Good Fa	on Events	rts to Com	daily weekly monthly quarterly semiannual annual single event   Extraordinary Ordinary N/A	Five single even to the single e	ents are recor	Adjustment  556  Number of  Viola  nmended.  RP/Settlement Offer  eet the good faith crit olation.	violation days  tion Base Penalty  Reduction  eria for  /iolation Subtotal	\$1,250 \$0

#### **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 Years of Percent Interest Depreciation Violation No. 2 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved** FR Amount **Item Description 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 \$0 **Record Keeping System** 0.00 \$0 n/a \$0 Training/Sampling 0.00 n/a \$0 Remediation/Disposal 0.00 \$0 \$0 n/a Other (as needed) 23-Apr-2019 1-J<u>u</u>n-2021 2.11 \$98 \$98 n/a Other (as needed) 0.00 \$0 \$0 n/a 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. Notes for DELAYED costs 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. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.00 \$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 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 PCW 2-Nov-2020 Screening 30-Oct-2020 EPA Due

RESPONDENT/FACILITY INFORMATION							
Donald R. Cole dba Blue Ridge Water System and Susan							
Respondent 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		
Multi-Media		Enf. Coordinator	Miles Wehner	
		EC's Team	Enforcement Team 8	
Admin. Penalty \$ I	Limit Minimum \$50 Maximum	\$5,000		

	спану ф	γου	
		Penalty Calculation Section	
TOTA	L BASE PENA	LTY (Sum of violation base penalties) Su	sbtotal 1 \$1,250
ADIII	STMENTS (+	/-) TO SUBTOTAL 1	
ADJU	Subtotals 2-7 are of	tained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
	<b>Compliance Hi</b>	story 57.0% Adjustment Subtotals .	2 <i>, 3, &amp; 7</i> \$712
		Enhancement for three NOVs with the same/similar violations, one NOV	
	Notes	with dissimilar violations, and two agreed orders containing a denial of liability.	
	Culpability	No 0.0% Enhancement Su	sbtotal 4 \$0
	Notes	The Despendents do not most the sulpobility switzers	
	Notes	The Respondents do not meet the culpability criteria.	
	Good Faith Eff	ort to Comply Total Adjustments Su	sbtotal 5 \$0
	Economic Bene	efit 0.0% Enhancement* Su	ıbtotal 6 \$0
		Total EB Amounts \$7 *Capped at the Total EB \$ Amount	Diotal 0
	Estimated	Cost of Compliance \$108	
SIIM	OF SUBTOTA	\$ 1-7   Final	Subtotal \$1,962
3014	OI SUBIUIA	LS 1-7 Fillal .	Subtotai \$1,502
OTHE	R FACTORS A	AS JUSTICE MAY REQUIRE 0.0% Adj	ustment \$0
		Subtotal by the indicated percentage.	
	Notes		
		Final Penalty	Amount \$1,962
		That Tenany	Amount \$1,502
STAT	UTORY LIMIT	ADJUSTMENT Final Assessed	Penalty \$1,962
DEFE			ustment \$0
Reduces	the Final Assessed Pe	nalty by the indicated percentage.	
	Nistan	No deferred in recommended for Findings Orders	
	Notes	No deferral is recommended for Findings Orders.	
PAYA	BLE PENALT	1	\$1,962

Screening Date 30-Oct-2020

**Docket No.** 2020-1508-PWS-E

**PCW** 

Donald R. Cole dba Blue Ridge Water System and Susan **Respondent** E. Cole dba Blue Ridge Water System (PCW No. 2)

**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%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	2	40%
Orders	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	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	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%
	Environmental management systems in place for one year or more	No	0%
	Voluntary on-cita compliance accomments conducted by the executive director		

	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 70

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7)

0%

>> Compliance History Summary

Compliance History Notes

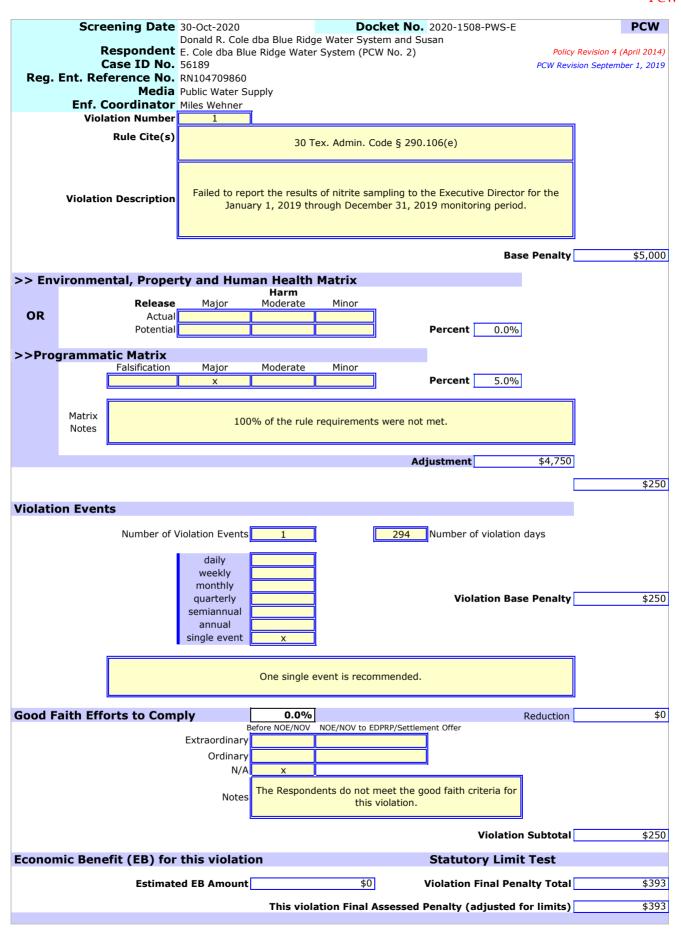
Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

57%



	E	conomic	Benefit	Woi	rksheet			
	Donald R. Cole	dba Blue Ridge V	Vater System ar	d Susa	in			
Respondent	E. Cole dba Bli	e dba Blue Ridge V ue Ridge Water Sy	stem (PCW No.	2)				
Case ID No.	56189	,	•	•				
Reg. Ent. Reference No.	RN104709860							
Media Violation No.	Public Water S	upply				Percent Interest	Years of Depreciation	
						5.0	15	
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount	
Item Description								
2000 2 0000 \$								
Delayed Costs								
Equipment				0.00	\$0	\$0	\$0	
Buildings				0.00	\$0	\$0	\$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$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		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	ANNUA	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d costs)	
Disposal				0.00	\$0	\$0	\$0	
Personnel				0.00	\$0	\$0	\$0	
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0	
Supplies/Equipment Financial Assurance				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0	
Other (as needed)				0.00	\$0	\$0	\$0	
Notes for AVOIDED costs				0.00	ų v	ŢŪ		
Approx. Cost of Compliance		\$8			TOTAL		\$0	

		ening Date				2020-1508-PWS-E		PCW
				dba Blue Ridge Water	System and Sus	san	Policy	Revision 4 (April 2014)
		Case ID No.					PCW Revis	sion September 1, 2019
Reg.	Ent. Ref	erence No.	RN104709860					
			Public Water Su	apply				
		coordinator		1				
	Viola	ation Number	2					
		Rule Cite(s)		30 Tex. Admin. Co	de § 290.122(c)	(2)(A) and (f)		
					(-),	( )( ) ( )		
			Failed to pro	vide public notification	n and submit a co	opy of the public noti	fication,	
				ed with a signed Cert				
			regardin	g the failure to report	the results of sy	nthetic organic chem	nical	
	Violatio	n Description		s Group 5 ("SOC5") a				
				mber 31, 2018 monito				
				volatile organic chemi				
			for the Ja	anuary 1, 2018 throug	gn December 31,	2018 monitoring pe	rioa.	
						Bas	se Penalty	\$5,000
_	_							
>> Env	vironme	ntal, Propei	ty and Hum	an Health Matrix	X			
		Release	Major	<b>Harm</b> Moderate Mind	\r_			
OR		Actual	Major	Moderate Milit				
OK		Potential				Percent 0.0%	ī	
		Potential				<b>Percent</b> 0.0%	I	
>> Dro	aramma	tic Matrix						
<b></b>	gramma	Falsification	Major	Moderate Mind	or			
		- albinoacion	X	110001000	·	Percent 5.0%	Ī	
						21070	1	
	Matrix		100	0% of the rule require	ments were not	met.		
	Notes		100	770 OF LITE TUTE TEQUITE	menes were not	····ct·		
					Ad	justment	\$4,750	
							[	\$250
Violati	on Event	ts						
		Number of \	lialation Evants	4	204	Number of violetion	dayıa	
		Number of v	iolation Events	4	294	Number of violation	uays	
			daily					
			weekly					
			monthly					
			quarterly			Violation Bas	e Penalty	\$1,000
			semiannual			Violation bas	e renaity	\$1,000
			annual					
			single event	X				
			Single event					
				Four single events ar	e recommended			
Good F	aith Effo	orts to Com		0.0%			Reduction	\$0
			1	efore NOE/NOV NOE/NO	V to EDPRP/Settleme	ent Offer		
			Extraordinary					
			Ordinary					
			N/A	Х			न	
				The Respondents do	not meet the ac	ood faith criteria for		
			Notes	e Respondents de	this violation.	Julian Criteria 101		
					Troidtioni			
			•				<b></b> r	11.000
						Violation	n Subtotal	\$1,000
Fconor	nic Rene	fit (FR) for	this violation	nn e		Statutory Limi	t Test	
	c Delle	(LD) 101	ans violation	<b>711</b>		Statutory Lilli	LIGST	
		Estimate	ed EB Amount		\$7	Violation Final Pen	alty Total	\$1,570
				This violation F	Inal Assessed	Penalty (adjusted f	or limits)	\$1,570

	E	conomic	Benefit	Wo	rksheet		
Respondent		dba Blue Ridge V					
Case ID No.		asa siac i nage i					
Reg. Ent. Reference No.							
	Public Water S	upply					Years of
Violation No.		ирріу				<b>Percent Interest</b>	Depreciation
Violation No.	2					F 0	-
						5.0	15
	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Costs Saved	EB Amount
Item Description							
Delayed Costs				_			
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/Construction Land				0.00	\$0 \$0	\$0 n/a	\$0 \$0
Record Keeping System				0.00	\$0 \$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	notifications ( copy of each Director, o	\$25 per notification notification, accoralculated from the	on x four notific mpanied with a e the due date	ations) signed of the e compli	are provided to pe Certificate of Deli arliest public notifi ance.	ensure that the delictory of the consistery of the consistery, is provided to cation to the estimate	e Facility and a the Executive sted date of
Avoided Costs	ANNUA	ALIZE avoided co	osts before er	tering	item (except for	one-time avoide	d 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 ONE-TIME avoided costs				0.00	\$0 \$0	\$0 \$0	\$0 \$0
Other (as needed)				0.00	\$0 \$0	\$0 \$0	\$0
Notes for AVOIDED costs		)L		0.00	Ψ0	Ψ0	30
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	

PCW 2-Nov-2020 Screening 30-Oct-2020 EPA Due

RESPONDENT/FACILI	TY INFORMATION					
	Donald R. Cole dba Blue Ridge Water System and Susan					
Respondent	E. Cole dba Blue Ridge Water System (PCW I	No. 1)				
Reg. Ent. Ref. No.						
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)	rogram(s) Public Water Supply		Governmer	nt/Non-Profit	No	Ī	
Multi-Media				Enf	. Coordinator	Miles Wehner	
				-	EC's Team	Enforcement Team 8	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000			_

Aumin	ii i ciidicy φ i		γ50 Haxiiie	Ψ1,000			
			Penalty Cal	culation Section	on		
TOTAL E	BASE PENA	LTY (Sum of vic	olation base p	enalties)		Subtotal 1	\$50
ADJUST	MENTS (+	/-) TO SUBTOTA	VL 1				
Su	btotals 2-7 are of	tained by multiplying the	Total Base Penalty (Su	btotal 1) by the indicated p	ercentage.		
Co	ompliance Hi			7.0% Adjustment		otals 2, 3, & 7	\$28
	Notes			e same/similar violatio reed orders containing	,		
	Notes	With dissimilar viole	liabili		g a acmar or		
Cı	ulpability	No		<b>0.0%</b> Enhancement		Subtotal 4	\$0
	aipability	NO	<u> </u>	0.0 70 Limancement		Subtotal 4	<b>40</b>
	Notes	The Respo	ndents do not me	et the culpability criter	ria.		
G	ood Faith Eff	ort to Comply Total	l Adjustments			Subtotal 5	\$0
J.	504 : 4:::: <u>2</u> :::	ore to comply rotal	, riajastinents				70
Ea	conomic Bene	-£:L		<b>0.0%</b> Enhancement*		Subtotal 6	\$0
EC	Jononnic Bene	Total EB Amounts	\$27	*Capped at the Total EB \$ A	Amount	Subtotal 6	<b>\$</b> 0
	Estimated	Cost of Compliance	\$304				
SUM OF	SUBTOTA	S 1-7				Final Subtotal	\$78
5011 01	50510170	10 1 /				mai Subtotui	410
		AS JUSTICE MAY		0.0%		Adjustment	\$0
Reduces or e	nhances the Final	Subtotal by the indicated	percentage.				
	Notes						
	110103						
					Final Pe	nalty Amount	\$78
STATUT	ODVITMT	ADJUSTMENT			Final Acc	essed Penalty	\$78
SIAIUI	OKI LIMI	ADJUSTRICITI			FINAI ASS	esseu Penaity	\$70
DEFERR	RAL			0.0%	Reduction	Adjustment	\$0
Reduces the	Final Assessed Pe	nalty by the indicated perc	centage.				
	Nista	No dofo	walia waaammand	ed for Findings Orders			
	Notes	No delei	irai is recommend	ed for Findings Orders	•		
						_	
<b>PAYABL</b>	E PENALT	1					\$78

Screening Date 30-Oct-2020

**Docket No.** 2020-1508-PWS-E

**PCW** 

Donald R. Cole dba Blue Ridge Water System and Susan

**Respondent** E. Cole dba Blue Ridge Water System (PCW No. 1)

**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

Adiust

# **Compliance History Worksheet**

>>	<b>Compliance Hist</b>	tory Site Enhancement (Subtotal 2)	
	Component	Number of	Number
		Written notices of violation ("NOVs") with same or similar violations as those in	_

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 (number of orders meeting criteria)	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%
Judgments	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
and Consent Decrees	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%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
Addits	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
	Environmental management systems in place for one year or	Ne	00/
	Environmental management systems in place for one year or more	No	0%

	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%
o circi	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5

>> Repeat Violator (Subtotal 3)

N/A Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

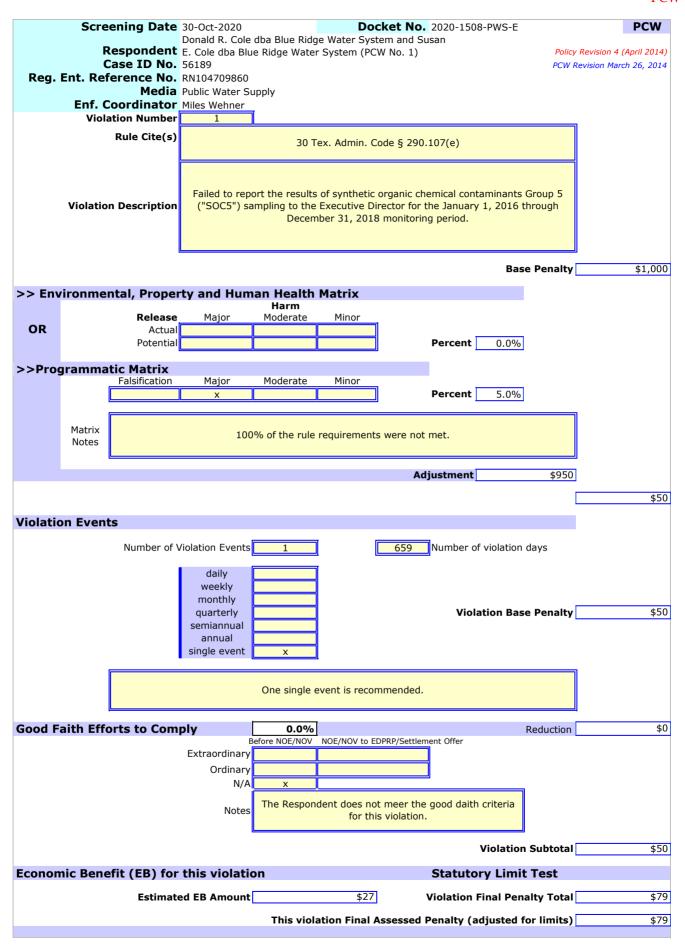
Enhancement for three NOVs with the same/similar violations, one NOV with dissimilar violations, and two agreed orders containing a denial of liability.

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

>> Final Compliance History Adjustment

Final Adjustment Percentage \*capped at 100%

57%



#### **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 Public Water Supply Years of **Percent Interest** Depreciation Violation No. 1 5.0 15 Item Cost Date Required Final Date Yrs Interest Saved **Costs Saved EB Amount Item Description 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 0.00 \$0 n/a \$0 Record Keeping System 0.00 \$0 n/a \$0 Training/Sampling \$100 5-Oct-2020 1-Jun-202: 0.65 \$3 n/a \$3 Remediation/Disposal \$0 0.00 \$0 n/a \$204 10-Jan-2019 1-Jun-2021 2.39 Other (as needed) \$24 n/a \$24 Other (as needed) 0.00 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. Notes for DELAYED costs 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. ANNUALIZE avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** 0.00 Disposal \$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 0.00 Other (as needed) \$0 Notes for AVOIDED costs \$304 TOTAL Approx. Cost of Compliance \$27

	Screening Date				cket No. 2020-15	08-PWS-E		PCW
	D	Donald R. Cole						
	Respondent Case ID No.		ie Riage watei	r System (PCV	V NO. 1)			Revision 4 (April 2014)
Rea	Ent. Reference No.						PCWR	evision March 26, 2014
iteg.		Public Water St	unnly					
	Enf. Coordinator		арріу					
	Violation Number	2	1					
	Rule Cite(s)	20 Te		- C 200 F1/-)	(C) and Tax Makes	C-4- C E 702		
		30 Te.	x. Adılılı. Cod	e g 290.51(a)	(6) and Tex. Water (	code § 5.702		
	Violation Description							
						Base	Penalty	\$1,000
_							-	
>> Env	vironmental, Proper	ty and Hum		Matrix				
	Release	Major	<b>Harm</b> Moderate	Minor				
OR	Actual							
	Potential				Percent	0.0%		
>>Prog	grammatic Matrix							
	Falsification	Major	Moderate	Minor	Doveout	0.00/		
					Percent	0.0%		
	Matrix Notes							
					A 41		±1.000	
					Adjustmen	<u> </u>	\$1,000	
								\$0
	_							
Violatio	on Events							
	Number of \	/iolation Events			Number	of violation d	avs	
				<u>u</u> <u>L</u>			, -	
		daily weekly monthly						
		quarterly			Vio	lation Base	Penalty	\$0
		semiannual						7-
		annual						
		single event						
	All penalties a	and fees will be	determined by	the Financial cycle.	Administration Divis	son at the nex	t billing	
Good F	aith Efforts to Com	ply	0.0%			R	eduction	\$0
		E	Before NOE/NOV	NOE/NOV to ED	PRP/Settlement Offer			·
		Extraordinary						
		Ordinary						
		N/A	X					
		Notes	The Respond		neet the good faith o violation.	criteria for		
_						Violation S		\$0
Econon	nic Benefit (EB) for	tnis violatio	on		Statut	ory Limit	est	
	Estimate	ed EB Amount		\$0	Violation	Final Penal	ty Total	\$0
			This vio	lation Final A	Assessed Penalty (	adjusted for	r limits)	\$0
							/	, -

	E	conomic	Benefit	Wo	rksheet		
Pesnondent	Respondent Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System (PCW No. 1)						
Case ID No.							
Reg. Ent. Reference No.	RN104709860						
Media Public Water Supply Violation No. 2						Percent Interest	Years of Depreciation
						5.0	15
	Item Cost	<b>Date Required</b>	<b>Final Date</b>	Yrs	<b>Interest Saved</b>	Costs Saved	<b>EB Amount</b>
Item Description							
Delayed Costs	1	11				1	1.0
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 Other (as needed)				0.00	\$0 \$0	n/a n/a	\$0 \$0
Notes for DELAYED costs	Notes for DELAYED costs N/A						
Avoided Costs	ANNU	ALIZE avoided co	osts before en	tering	item (except for	one-time avoide	d 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

Rating: N/A

Rating: N/A

The TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# 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.

Classification: NOT APPLICABLE

Classification: NOT APPLICABLE

N/A

YES

Repeat Violator:

Customer, Respondent, or CN602202541, Donald R. Cole

Owner/Operator:

Regulated Entity: RN104709860, BLUE RIDGE WATER

**SYSTEM** 

Complexity Points: 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?

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 assoicated 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.

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

# D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 May 19, 2017 (1409387)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/16/2020 (1683810)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(7)

30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO2 MR YR2019 - The system failed to monitor and/or report nitrite levels to the TCEQ

for the annual monitoring period from 01/01/2019 to 12/31/2019 within the required

timeline.

2 Date: 07/09/2020 (1683810)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: Group SOC5 MR PN 3Y2018 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 01/01/2016 to 12/31/2018.

Self Report? NO 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 YR2018 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 01/01/2018 to 12/31/2018.

Self Report? NO 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 YR2018 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 01/01/2018 to 12/31/2018.

3 Date: 07/24/2020 (1657939)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to test backflow prevention assemblies used for protection against health

hazards at least annually. B(1) Moderate 2(A)

4 Date: 09/16/2020 (1683810)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: ASB MR PN 3Y2018 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 an asbestos monitoring and reporting violation for the triennial

monitoring period from 01/01/2016 to 12/31/2018.

he TCEQ is committed to accessibility.

To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.



# 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 CN603161993, Susan E. Cole

Classification: NOT APPLICABLE

Rating: N/A

Owner/Operator:

RN104709860, BLUE RIDGE WATER

Classification: NOT APPLICABLE

Rating: N/A

Regulated Entity:

Complexity Points:

SYSTEM

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:

L 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 assoicated 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.

#### B. Criminal convictions:

N/A

#### C. Chronic excessive emissions events:

N/A

# D. The approval dates of investigations (CCEDS Inv. Track. No.):

Item 1 May 19, 2017 (1409387)

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 04/16/2020 (1683810)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4) 30 TAC Chapter 290, SubChapter F 290.106(c)(7)

30 TAC Chapter 290, SubChapter F 290.106(c)(9) 30 TAC Chapter 290, SubChapter F 290.106(e)

Description: NO2 MR YR2019 - The system failed to monitor and/or report nitrite levels to the TCEQ

for the annual monitoring period from 01/01/2019 to 12/31/2019 within the required

timeline

2 Date: 07/09/2020 (1683810)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: Group SOC5 MR PN 3Y2018 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 01/01/2016 to 12/31/2018.

Self Report? NO 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 YR2018 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 01/01/2018 to 12/31/2018.

Self Report? NO 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 YR2018 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 01/01/2018 to 12/31/2018.

3 Date: 07/24/2020 (1657939)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)

Description: Failure to test backflow prevention assemblies used for protection against health

hazards at least annually. B(1) Moderate 2(A)

4 Date: 09/16/2020 (1683810)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 290, SubChapter F 290.122(f)

Description: ASB MR PN 3Y2018 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 an asbestos monitoring and reporting violation for the triennial

monitoring period from 01/01/2016 to 12/31/2018.

F.	Environmental audits:	CH 2 of
	N/A	

 $\begin{tabular}{ll} \textbf{G.} & \textbf{Type of environmental management systems (EMSs):} \\ \end{tabular}$ 

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	§	BEFORE THE
ACTION CONCERNING	§	
DONALD R. COLE DBA BLUE RIDGE	§	
WATER SYSTEM AND SUSAN	§	TEXAS COMMISSION ON
E. COLE DBA BLUE RIDGE WATER	§	
SYSTEM;	§	
RN104709860	§	ENVIRONMENTAL QUALITY

# **AGREED ORDER**

## DOCKET NO. 2020-1508-PWS-E

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.

Donald R. Cole dba Blue Ridge Water System and Susan E. Cole dba Blue Ridge Water System Docket No. 2020-1508-PWS-E Page 6

# SIGNATUREPAGE

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission	Date					
Frint. Chanallox	11/14/22					
For the Executive Director	Date					
attached Order, and I do agree to the terms ar	the attached Order. I am authorized to agree to the nd conditions specified therein. I further nent for the penalty amount, is materially relying					
I also understand that failure to comply with to timely pay the penalty amount may result i	the Ordering Provisions in this Order and/or failure n:					
<ul> <li>A negative impact on compliance history;</li> </ul>						
<ul> <li>Greater scrutiny of any permit application</li> </ul>	Greater scrutiny of any permit applications;					
<ul> <li>Referral of this case to the Attorney General additional penalties, and/or attorney fees,</li> </ul>	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;					
<ul> <li>Increased penalties in any future enforcen</li> </ul>	Increased penalties in any future enforcement actions;					
<ul> <li>Automatic referral to the Attorney General</li> </ul>	l's office of any future enforcement actions; and					
<ul> <li>TCEQ seeking other relief as authorized by</li> </ul>	y law.					
In addition, I understand that any falsification criminal prosecution.	of any compliance documents may result in					
Donald R. Cole Signature - Donald R. Cole, Owner	$\frac{9/20/22}{Date}$					
2003 White Settlement Road Weatherford, Texas 76807						
Susan C. Cole	9/20/22					
Signature - Susan E. Cole, Owner 2003 White Settlement Road Weatherford, Texas 76807	Date					
□ If mailing address has changed, please che	ck this box and provide the new address below:					