

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2007-0706-PWS-E **TCEQ ID:** RN101206167 **CASE NO.:** 33379

**RESPONDENT NAME:** Bluegrove Water Supply Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Bluegrove WSC, two miles west of the intersection of Farm-to-Market Road 172 and State Highway 148, Clay County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on September 10, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> Mr. James Crump, President, Bluegrove Water Supply Corporation, P.O. Box 204, Bluegrove, Texas 76352  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> April 16, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> April 18, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine record review. Eight violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to inspect the system's pressure tank annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>2) Failed to inspect the system's ground storage tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)].</p> <p>3) Failed to provide a plumbing ordinance or service agreement [30 TEX. ADMIN. CODE § 290.46(i)].</p> <p>4) Failed to complete and maintain documentation of Customer Service Agreements or Customer Service Inspection reports [30 TEX. ADMIN. CODE § 290.46(j)].</p> <p>5) Failed to calibrate well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>6) Failed to develop and maintain an up-to date chemical and microbiological monitoring plan that can be made available at the time of Commission inspection [30 TEX. ADMIN. CODE § 290.121(a)].</p> <p>7) Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p>	<p><b>Total Assessed:</b> \$1,260</p> <p><b>Total Deferred:</b> \$252  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,008</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent performed an annual inspection on the system's ground and pressure tanks on May 1, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, begin compiling properly completed monthly water works operation reports and maintenance records, including but not limited to recording the amount of water treated each week, dates when dead-end mains were flushed, dates that storage tanks and facilities were cleaned and a maintenance record for water system equipment and facilities, and make them available at the time of Commission inspections;</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to ensure that neither cross-connections nor other unacceptable plumbing practices are permitted;</p> <p>ii. Prepare and begin maintaining Customer Service Agreements or Customer Service Inspection Reports;</p> <p>iii. Properly calibrate all well meters; and</p> <p>iv. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e., and include detailed supporting documentation to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.;</p>

<p>8) Failed to properly develop and maintain records of water works operation and maintenance activities [30 TEX. ADMIN. CODE § 290.46(f)].</p>		<p>d. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of wells located at the Facility; and</p> <p>e. Within 105 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.</p>
--	--	---

Additional ID No(s): 390014





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

<b>DATES</b>	<b>Assigned</b>	23-Apr-2007	<b>Screening</b>	2-May-2007	<b>EPA Due</b>	
	<b>PCW</b>	2-May-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Bluegrove Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN101206167
<b>Facility/Site Region</b>	3-Abilene
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	33379	<b>No. of Violations</b>	8
<b>Docket No.</b>	2007-0706-PWS-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Yuliya Dunaway
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

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

### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

**Notes**

**Culpability**   Enhancement **Subtotal 4**

**Notes**

**Good Faith Effort to Comply**  Reduction **Subtotal 5**

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/> X	(mark with x)

**Notes**

**Total EB Amounts**  **Subtotal 6**   
**Approx. Cost of Compliance**  **0% Enhancement\***  
*\*Capped at the Total EB \$ Amount*

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE**  **Adjustment**

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL**  Reduction **Adjustment**

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

**Notes**

**PAYABLE PENALTY**

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

**Compliance History Worksheet**

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (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%
	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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The enhancement is due to one prior NOV for the same or similar violations as those in the current enforcement action.

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

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	

OR

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events  Number of violation days

mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text" value="x"/>
single event	<input type="text"/>	

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 1

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

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	16-Apr-2006	1-May-2007	1.0	\$26	\$521	\$547
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual pressure tank inspection, calculated from the date when violation occurred to the date of compliance.

Approx. Cost of Compliance

\$500

**TOTAL**

\$547

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(1)

Violation Description Failed to inspect the system's ground storage tanks annually. Specifically, at the time of the investigation, the facility's two ground storage tanks were not inspected in the twelve months preceding the April 16, 2007 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to inspect the system's ground storage tanks could compromise the integrity of the water system and result in customers of the water supply being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 2

365 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

mark only one with an x

Violation Base Penalty \$200

Two annual events (one per tank) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

**Avoided Costs**

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	16-Apr-2007	1-May-2007	0.0	\$2	\$41	\$43
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform an annual ground storage tanks inspection, calculated from the date when violation occurred to the date of compliance.

Approx. Cost of Compliance

\$1,000

TOTAL

\$43

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.46(i)

Violation Description Failed to adopt an adequate plumbing ordinance or service agreement.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

16 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 3

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

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	16-Apr-2007	1-Dec-2007	0.6	\$16	n/a	\$16

Notes for DELAYED costs

The delayed costs include the amount to compile a plumbing ordinance or service agreement, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

**TOTAL**

\$16

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s)

30 Tex. Admin. Code § 290.46(j)

Violation Description

Failed to complete and maintain documentation of Customer Service Agreements or Customer Service Inspection reports.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1

16 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 4

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

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

No commas or \$

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$600	16-Apr-2007	1-Dec-2007	0.6	\$19	n/a	\$19
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to compile and maintain a Customer Service Agreements or Customer Service Inspection reports, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$600

TOTAL

\$19

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.46(s)(1)

Violation Description

Failed to calibrate well meters at least once every three years. Specifically, it was documented that all system's well meters were not calibrated in the three years preceding the April 16, 2007 investigation.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to calibrate well meters could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 4

16 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Four single events (one for each well meter) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$630

Violation Final Penalty Total \$210

This violation Final Assessed Penalty (adjusted for limits) \$210

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 5

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

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

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There are no delayed costs associated with this violation.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$200	16-Apr-2004	16-Apr-2007	3.0	\$30	\$600	\$630
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to calibrate well meters.

Approx. Cost of Compliance

\$200

**TOTAL**

\$630

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.121(a)

Violation Description Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan that can be made available at the time of Commission inspection.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

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

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 16

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$16

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 6

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

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	16-Apr-2007	1-Dec-2007	0.6	\$16	n/a	\$16
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare and maintain an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

**TOTAL**

\$16

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s)

30 Tex. Admin. Code § 290.41(c)(1)(F)

Violation Description

Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells. Specifically, at the time of the investigation, there were no sanitary control easements for wells Nos. 2, 3 and 4.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Failure to obtain a sanitary control easement could expose customers of the water supply to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

3

16 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$150

Three single events (one for each well) are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$26

Violation Final Penalty Total \$158

This violation Final Assessed Penalty (adjusted for limits) \$158

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 7

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

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

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$600	16-Apr-2007	1-Mar-2008	0.9	\$26	n/a	\$26
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to prepare sanitary control easement for wells Nos. 2, 3 and 4, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$600

**TOTAL**

\$26

Screening Date 2-May-2007

Docket No. 2007-0706-PWS-E

PCW

Respondent Bluegrove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 33379

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101206167

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 8

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)

Violation Description Failed to properly develop and maintain records of water works operation and maintenance activities and make them available to Commission personnel at the time of the investigation. Specifically, at the time of the investigation, the water works monthly operation reports lacked components of the amount of water treated each week, dates when dead-end mains were flushed and dates that storage tanks and facilities were cleaned, and a maintenance record for water system equipment and facilities was not available for review.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	X		

Percent 10%

Matrix Notes

Greater than 70% of the rule requirements were not met.

Adjustment \$900

\$100

Violation Events

1

16 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$14

Violation Final Penalty Total \$105

This violation Final Assessed Penalty (adjusted for limits) \$105

## Economic Benefit Worksheet

**Respondent** Bluegrove Water Supply Corporation  
**Case ID No.** 33379  
**Reg. Ent. Reference No.** RN101206167  
**Media** Public Water Supply  
**Violation No.** 8

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

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

No commas or \$

### Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$500	16-Apr-2007	1-Nov-2007	0.5	\$14	n/a	\$14
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the amount to properly prepare and maintain a record of water works operation and maintenance activities, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

There are no avoided costs associated with this violation.

Approx. Cost of Compliance

\$500

**TOTAL**

\$14

# Compliance History

Customer/Respondent/Owner-Operator:	CN600650154 Bluegrove Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101206167 BLUEGROVE WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0390014
	WATER LICENSING	LICENSE	0390014
Location:	2 MI W OF FM 172 AND HWY 148, CLAY COUNTY, TX		
TCEQ Region:	REGION 03 - ABILENE		
Date Compliance History Prepared:	April 23, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	April 23, 2002 to April 23, 2007		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Yuliya Dunaway Phone: (210) 403-4077

## Site Compliance History Components

- |  |     |
|--|-----|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No  |
| 3. If Yes, who is the current owner?   | N/A |
| 4. If Yes, who was/were the prior owner(s)?  | N/A |
| 5. When did the change(s) in ownership occur?  | N/A |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |   |            |          |  |
|---|------------|----------|--|
| 1 | 09/05/2006 | (489668) |  |
| 2 | 04/18/2007 | (557128) |  |
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- |              |   |                 |          |
|--------------|---|-----------------|----------|
| Date:        | 09/07/2006  | (489668)        |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(m)(1)               |                 |          |
| Description: | FAILURE TO INSPECT TWO GST'S AND ONE PRESSURE TANK.         |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(f)(2)               |                 |          |
| Description: | FAILURE TO MAINTAIN OPERATING RECORDS.                      |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter F 290.110(d)(3)(C)(ii)       |                 |          |
| Description: | FAILURE TO TO HAVE A PROPER CHLORINE TEST KIT.              |                 |          |
| Self Report? | NO  | Classification: | Minor    |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(i)                  |                 |          |
| Description: | FAILURE TO HAVE A PLUMBING ORDINANCE OR SERVICE AGREEMENTS. |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(j)                  |                 |          |
| Description: | FAILURE TO PROVIDE CUSTOMER SERVICE INSPECTIONS.            |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(n)(2)               |                 |          |
| Description: | FAILURE TO PROVIDE AN UP-TO-DATE DISTRIBUTION SYSTEM.       |                 |          |
| Self Report? | NO  | Classification: | Moderate |
| Citation:    | 30 TAC Chapter 290, SubChapter D 290.46(s)(1)               |                 |          |
| Description: | FAILURE TO CALIBRATE WELL METER(S).                         |                 |          |

Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter F 290.106(c)(6)(C)(I)		
Description:	FAILURE TO SAMPLE QUARTERLY FOR 50% OF THE MCL FOR NITRATES.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)		
Description:	FAILURE TO DOCUMENT THE AMOUNT OF WATER TREATED.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
Description:	FAILURE TO PROVIDE DATES WHEN DEAD-END MAINS WERE FLUSHED.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(I)		
Description:	FAILURE TO FLUSH DEAD-END MAINS MONTHLY.		
Self Report?	NO	Classification:	Major
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)		
Description:	FAILURE TO PROPERLY FILL OUT THE GROUND MONTHLY OPERATING REPORT.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	FAILURE TO PROVIDE SANITARY CONTROL EASEMENTS FOR WELLS #2, #3, AND #4.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
BLUEGROVE WATER SUPPLY  
CORPORATION  
RN101206167**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-0706-PWS-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. Bluegrove WSC owns and operates a public water supply two miles west of the intersection of Farm-to-Market Road 172 and State Highway 148, Clay County, Texas (the "Facility") that has approximately 50 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Bluegrove WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Bluegrove WSC is subject to the Commission's jurisdiction.
3. Bluegrove WSC received notice of the violations alleged in Section II ("Allegations") on or about April 23, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bluegrove WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Thousand Two Hundred Sixty Dollars (\$1,260) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Bluegrove WSC has paid One Thousand Eight Dollars (\$1,008) of the administrative penalty and Two Hundred Fifty-Two Dollars (\$252) is deferred contingent upon Bluegrove WSC's timely and



- satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Bluegrove WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Bluegrove WSC to pay all or part of the deferred penalty.
6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
  7. The Executive Director of the TCEQ and Bluegrove WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
  8. The Executive Director recognizes that Bluegrove WSC performed an annual inspection on the system's ground and pressure tanks on May 1, 2007.
  9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Bluegrove WSC has not complied with one or more of the terms or conditions in this Agreed Order.
  10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
  11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Bluegrove WSC is alleged to have:

1. Failed to inspect the system's pressure tank annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during a record review conducted on April 16, 2007.
2. Failed to inspect the system's ground storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1), as documented during a record review conducted on April 16, 2007.
3. Failed to provide a plumbing ordinance or service agreement, in violation of 30 TEX. ADMIN. CODE § 290.46(i), as documented during a record review conducted on April 16, 2007.
4. Failed to complete and maintain documentation of Customer Service Agreements or Customer Service Inspection reports, in violation of 30 TEX. ADMIN. CODE § 290.46(j), as documented during a record review conducted on April 16, 2007.
5. Failed to calibrate well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during a record review conducted on April 16, 2007.
6. Failed to develop and maintain an up-to date chemical and microbiological monitoring plan that can be made available at the time of Commission inspection, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during a record review conducted on April 16, 2007.



7. Failed to provide a sanitary control easement or an approved exception to the easement requirement that covers the land within 150 feet of the water system's wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during a record review conducted on April 16, 2007.
8. Failed to properly develop and maintain records of water works operation and maintenance activities, in violation of 30 TEX. ADMIN. CODE § 290.46(f), as documented during a record review conducted on April 16, 2007.

### III. DENIALS

Bluegrove WSC generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Bluegrove WSC pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Bluegrove WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bluegrove Water Supply Corporation, Docket No. 2007-0706-PWS-E" to:

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

2. It is further ordered that Bluegrove WSC shall undertake the following technical requirements:
  - a. Immediately upon the effective date of this Agreed Order, begin compiling properly completed monthly water works operation reports and maintenance records, including but not limited to recording the amount of water treated each week, dates when dead-end mains were flushed, dates that storage tanks and facilities were cleaned and a maintenance record for water system equipment and facilities, and make them available at the time of Commission inspections, as required by 30 TEX. ADMIN. CODE § 290.46;
  - b. Within 30 days after the effective date of this Agreed Order:
    - i. Adopt an adequate plumbing ordinance, regulations, or service agreement with provisions for proper enforcement to insure that neither cross-connections nor other unacceptable plumbing practices are permitted, as required by 30 TEX. ADMIN. CODE § 290.46;
    - ii. Prepare and begin maintaining Customer Service Agreements or Customer Service Inspection reports, as required by 30 TEX. ADMIN. CODE § 290.46;



- iii. Properly calibrate all well meters, as required by 30 TEX. ADMIN. CODE § 290.46; and
- iv. Prepare and begin maintaining an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121.
- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.e. below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b.;
- d. Within 90 days after the effective date of this Agreed Order, obtain a sanitary control easement or Commission approval of an exception to the easement requirement that covers the land within 150 feet of wells located at the Facility, as required by 30 TEX. ADMIN. CODE § 290.41; and
- e. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Public Water Supply Section, Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Boulevard  
Abilene, Texas 79602-7833

- 3. The provisions of this Agreed Order shall apply to and be binding upon Bluegrove WSC. Bluegrove WSC is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.



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



Bluegrove Water Supply Corporation  
DOCKET NO. 2007-0706-PWS-E  
Page 6

### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

*[Signature]*  
For the Executive Director

10/3/07  
Date

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

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

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

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

*James Crump*  
Signature

11 July 07  
Date

James Crump  
Name (Printed or typed)  
Authorized Representative of  
Bluegrove Water Supply Corporation

President  
Title

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

