

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2006-0075-MLM-E TCEQ ID NO.: RN101213544 CASE NO.: 28010**  
**RESPONDENT NAME: BOSQUE BASIN WATER SUPPLY CORPORATION**

Page 1 of 3

**ORDER TYPE:**

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY	<input checked="" type="checkbox"/> WATER RIGHTS	

**SITE WHERE VIOLATION(S) OCCURRED:** 352 Oak Street, China Spring, McLennan County

**TYPE OF OPERATION:** Public water supply

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** There are no previous complaints. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** No one other than the ED and the Respondent has expressed an interest in this matter.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on September 25, 2006. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873

**TCEQ Enforcement Coordinator:** Mr. Sandy VanCleave, Enforcement Division, MC 169, (512) 239-2670

**TCEQ Regional Contact:** Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3007

**Respondent:** Mr. Rusty Dossman, Registered Agent, Bosque Basin Water Supply Corporation, P.O. Box 8, China Spring, TX 76633

**Respondent's Attorney:** Not represented by counsel.

**RESPONDENT'S NAME: BOSQUE BASIN WATER SUPPLY CORPORATION**  
**DOCKET NO.: 2006-0075-MLM-E**

**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(s) of Investigation(s) Relating to this Case:</b> December 29, 2004; November 21, 2005</p> <p><b>Date(s) of NOV(s)/NOE(s) Relating to this Case:</b> December 29, 2004 (NOV); January 16, 2006 (NOE), February 22, 2006 (NOE)</p> <p><b>Background Facts:</b> An EDRP was not filed for this case. The Respondent signed an Agreed Order on July 14, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>MLM</b></p> <p>1) Failed to keep on file and make available for Commission review a drought contingency plan that was prepared and adopted by May 1, 2005 [30 TEX. ADMIN. CODE § 288.30(5)(B)].</p> <p>2) Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions [30 TEX. ADMIN. CODE § 290.44(d)].</p> <p>3) Failed to locate a well site for a public drinking water system at least 150 feet from a septic tank perforated drain field [30 TEX. ADMIN. CODE § 290.41(e)(1)(A)].</p> <p>4) Failed to keep on file and make available for Commission review documentation of a sanitary control easement for well No. 1 [30 TEX. ADMIN. CODE § 290.41(e)(1)(F)].</p>	<p><b>Total Assessed:</b> \$820</p> <p><b>Total Deferred:</b>  <input 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> \$820  The Respondent has paid \$820 of the administrative penalty in full.</p> <p><b>Site Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor <input type="checkbox"/> n/a</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> n/a</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Respondent submitted satisfactory documentation in November 2005 indicating compliance with violation numbers 1, 6 and 7.</p> <p><b>Ordering Provisions:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <p>1) Within 60 days:</p> <p>a) Begin maintaining a minimum pressure of 35 psi throughout the distribution system under normal operating conditions; and</p> <p>b) Submit copies of the sanitary control easement for well No. 1 and copies of customer service inspection reports.</p> <p>2) Within 75 days, submit written certification of compliance with No. 1, above.</p> <p>3) Within 180 days, ensure that the well is at least 150 feet away from the septic tank drainfield and ensure the groundwater source is located so that there will be no danger of pollution from flooding or from unsanitary surroundings.</p> <p>4) Within 195 days, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records indicating compliance with No. 3, above.</p>

**RESPONDENT'S NAME: BOSQUE BASIN WATER SUPPLY CORPORATION**  
**DOCKET NO.: 2006-0075-MLM-E**

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5) Failed to keep on file and make available for Commission review copies of customer service inspection reports [30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv)].</p> <p>6) Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions [30 TEX. ADMIN. CODE § 290.41(c)(3)(J)].</p> <p>7) Failed to provide the water storage tanks with a proper liquid level indicator [30 TEX. ADMIN. CODE § 290.43(c)(4)].</p>		



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	17-Jan-2006	<b>Screening</b>	20-Jan-2006	<b>EPA Due</b>	
	<b>PCW</b>	13-Jun-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	Bosque Basin Water Supply Corporation
<b>Reg. Ent. Ref. No.</b>	RN101213544
<b>Facility/Site Region</b>	9-Waco <input type="checkbox"/> <b>Major/Minor Source</b> Minor Source <input type="checkbox"/>

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	28010	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-0075-MLM-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Rights <input type="checkbox"/>	<b>Enf. Coordinator</b>	Sandy VanCleave <input type="checkbox"/>
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2 <input type="checkbox"/>
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$5,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$500</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$25</b>
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**Notes** The Respondent received one NOV for violations that are the same or similar as those addressed in this enforcement action.

<b>Culpability</b>	No <input type="checkbox"/>	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes** The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	<b>-\$125</b>
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with a small x)

**Notes** Respondent achieved compliance on November 17, 2005.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$5	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$100	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$400</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	<b>\$400</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$400</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes** No deferral is offered because this is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$400</b>
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**Screening Date** 20-Jan-2006

**Docket No.** 2006-0075-MLM-E

**PCW**

**Respondent** Bosque Basin Water Supply Corporation

Policy Revision 2 (September 2002)

**Case ID No.** 28010

PCW Revision May 19, 2005

**Reg. Ent. Reference No.** RN101213544

**Media [Statute]** Water Rights

**Enf. Coordinator** Sandy VanCleave

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (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 <i>(number of audits for which notices were)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 5%

>> **Repeat Violator (Subtotal 3)**

N/A

**Adjustment Percentage (Subtotal 3)** 0%

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

N/A

**Adjustment Percentage (Subtotal 7)** 0%

>> **Compliance History Summary**

**Compliance History Notes**

The Respondent received one NOV for violations that are the same or similar as those addressed in this enforcement action.

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

<b>Screening Date</b>	20-Jan-2006	<b>Docket No.</b>	2006-0075-MLM-E	<b>PCW</b>
<b>Respondent</b>	Bosque Basin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	28010			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101213544			
<b>Media [Statute]</b>	Water Rights			
<b>Enf. Coordinator</b>	Sandy VanCleave			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 288.30(5)(B)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to keep on file and make available for Commission review a drought contingency plan showing that the plan was prepared and adopted not later than May 1, 2005.			
<b>Base Penalty</b>	\$5,000			

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

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
<b>Matrix Notes</b>	The Respondent failed to comply with 100 percent of this rule.					

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

<i>mark only one use a small x</i>	<i>daily</i>	<input type="checkbox"/>
	<i>monthly</i>	<input type="checkbox"/>
	<i>quarterly</i>	<input type="checkbox"/>
	<i>semiannual</i>	<input type="checkbox"/>
	<i>annual</i>	<input type="checkbox"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

**Violation Base Penalty**

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$5"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$400"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$400"/>	

### Economic Benefit Worksheet

**Respondent** Bosque Basin Water Supply Corporation  
**Case ID No.** 28010  
**Reg. Ent. Reference No.** RN101213544  
**Media [Statute]** Water Rights  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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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	\$100	04-Nov-2004	17-Nov-2005	1.0	\$5	n/a	\$5
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

Estimated cost to keep on file an adopted drought contingency plan Date required is the date the violation was initially documented. Final date is the 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

Approx. Cost of Compliance \$100

**TOTAL** \$5

**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

<b>DATES</b>	Assigned	17-Jan-2006		
	PCW	13-Jun-2006	Screening	20-Jan-2006
			EPA Due	

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	Bosque Basin Water Supply Corporation
Reg. Ent. Ref. No.	RN101213544
Facility/Site Region	9-Waco <input checked="" type="checkbox"/> Major/Minor Source <input type="checkbox"/> Minor Source <input checked="" type="checkbox"/>

<b>CASE INFORMATION</b>			
Enf./Case ID No.	28010	No. of Violations	5
Docket No.	2006-0075-MLM-E	Order Type	1660 <input checked="" type="checkbox"/>
Media Program(s)	Public Water Supply <input checked="" type="checkbox"/>	Enf. Coordinator	Sandy VanCleave
Multi-Media		EC's Team	Enforcement Team 2 <input checked="" type="checkbox"/>
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

**Penalty Calculation Section**

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$400</b>
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**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

<b>Compliance History</b>	5% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$20</b>
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Notes: The Respondent received one NOV for violations that are the same or similar as those addressed in this enforcement action.

<b>Culpability</b>	No <input checked="" type="checkbox"/> 0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	<b>\$0</b>
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	<i>(mark with a small x)</i>

Notes: Respondent is not yet in compliance.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	<b>\$0</b>
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Total EB Amounts	\$4,851	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$28,950	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$420</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<b>Final Penalty Amount</b>	<b>\$420</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$420</b>
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<b>DEFERRAL</b>	0% Reduction	<b>Adjustment</b>	<b>\$0</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is offered because this is not an expedited case.

<b>PAYABLE PENALTY</b>	<b>\$420</b>
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**Screening Date:** 20-Jan-2006 **Docket No.:** 2006-0075-MLM-E **PCW**  
**Respondent:** Bosque Basin Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.:** 28010 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.:** RN101213544  
**Media [Statute]:** Public Water Supply  
**Enf. Coordinator:** Sandy VanCleave

**Compliance History Worksheet**

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events (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 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
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)**

**>> Repeat Violator (Subtotal 3)**

**Adjustment Percentage (Subtotal 3)**

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

**Adjustment Percentage (Subtotal 7)**

**>> Compliance History Summary**

**Compliance History Notes**

The Respondent received one NOV for violations that are the same or similar as those addressed in this enforcement action.

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

**Screening Date** 20-Jan-2006 **Docket No.** 2006-0075-MLM-E **PCW**  
**Respondent** Bosque Basin Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 28010 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101213544  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Sandy VanCleave

**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**  
 Failed to maintain a minimum pressure of 35 pounds per square inch ("psi") throughout the distribution system under normal operating conditions. Specifically, during a record review conducted on November 21, 2005, it was documented that the system's pressure was 27 psi at the end of the distribution system.

**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="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

**Matrix Notes**  
 Human health or the environment may be exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health as a result of the distribution's deficient pressure (23 % deficient).

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>
	<i>monthly</i>	<input type="text"/>
	<i>quarterly</i>	<input type="text"/>
	<i>semiannual</i>	<input type="text"/>
	<i>annual</i>	<input type="text"/>
	<i>single event</i>	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

**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** Bosque Basin Water Supply Corporation  
**Case ID No.** 28010  
**Reg. Ent. Reference No.** RN101213544  
**Media [Statute]** Public Water Supply  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,500	04-Nov-2004	31-Jan-2007	2.2	\$19	\$374	\$392
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**  
 Estimated cost to provide a minimum of 35 psi throughout the distribution system at all times during normal operating conditions. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$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**

Approx. Cost of Compliance \$2,500

**TOTAL** \$392

<b>Screening Date</b>	20-Jan-2006	<b>Docket No.</b>	2006-0075-MLM-E	<b>PCW</b>
<b>Respondent</b>	Bosque Basin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	28010			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101213544			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Sandy VanCleave			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(1)(A)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to locate a well site for a public drinking water system at least 150 feet from a septic tank perforated drainfield.			
		<b>Base Penalty</b>	\$1,000	

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

OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
				<b>Percent</b> <input type="text" value="5%"/>

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	Failure to locate the well at least 150 feet away from the septic tank drainfield may expose the well to insignificant amounts of pollutants which would not exceed levels that are protective of human health.				

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

<i>mark only one use a small x</i>	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$4,349"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$53"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$53"/>	

### Economic Benefit Worksheet

**Respondent** Bosque Basin Water Supply Corporation  
**Case ID No.** 28010  
**Reg. Ent. Reference No.** RN101213544  
**Media [Statute]** Public Water Supply  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$25,000	04-Nov-2004	30-Apr-2007	2.5	\$207	\$4,142	\$4,349
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: Estimated cost to prepare plans and specifications and to relocate the well or obtain an exception to the rule. Date required is the date the violation was originally documented. Final date is the projected 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:

Approx. Cost of Compliance \$25,000

**TOTAL** \$4,349

<b>Screening Date</b>	20-Jan-2006	<b>Docket No.</b>	2006-0075-MLM-E	<b>PCW</b>
<b>Respondent</b>	Bosque Basin Water Supply Corporation			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	28010			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101213544			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Sandy VanCleave			
<b>Violation Number</b>	3			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code §§ 290.41(c)(1)(F) and 290.46(f)(3)(E)(iv)			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failed to keep on file and make available for Commission review documentation of a sanitary control easement for well No. 1 and copies of customer service inspection reports.			
<b>Base Penalty</b>	\$1,000			

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

OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text"/>

>> **Programmatic Matrix**

	<b>Falsification</b>	Major	Moderate	Minor	
	<input type="checkbox"/>	X	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
<b>Matrix Notes</b>	The Respondent failed to comply with 100 percent of the rules.				

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="checkbox"/>
	monthly	<input type="checkbox"/>
	quarterly	<input type="checkbox"/>
	semiannual	<input type="checkbox"/>
	annual	<input type="checkbox"/>
	single event	X

**Violation Base Penalty**

One single event is recommended based on documentation of the violation during the November 21, 2005 record review.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$20"/>	Violation Final Penalty Total <input type="text" value="\$105"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$105"/>	

### Economic Benefit Worksheet

**Respondent:** Bosque Basin Water Supply Corporation  
**Case ID No.:** 28010  
**Reg. Ent. Reference No.:** RN101213544  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 3

Percent Interest	Years of Depreciation
5.0	15

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

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	\$200	04-Nov-2004	31-Oct-2006	2.0	\$20	n/a	\$20
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:** Estimated cost to provide copies of the sanitary easement and customer service inspections reports. Date required is the date the violation was initially documented. Final date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	\$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:**

Approx. Cost of Compliance \$200

**TOTAL** \$20

**Screening Date** 20-Jan-2006 **Docket No.** 2006-0075-MLM-E **PCW**  
**Respondent** Bosque Basin Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 28010 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101213544  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Sandy VanCleave

**Violation Number** 4  
**Primary Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(J)  
**Secondary Rule Cite(s)**  
**Violation Description** Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, during the record review conducted on November 21, 2005, it was documented that the respondent failed to respond to a letter by the TCEQ Waco Regional Office requesting a written response by March 29, 2005.

**Base Penalty** \$1,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	Percent

**Matrix Notes** An improper sealing block around the well casing could expose human health to significant amount of contaminants which might not exceed levels that are protective of human health.

**Adjustment** -\$900

**Base Penalty Subtotal** \$100

**Violation Events**

**Number of Violation Events** 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	X

**Violation Base Penalty** \$100

One single event is recommended based on documentation of the violation during the November 21, 2005 record review.

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

**Estimated EB Amount** \$72 **Violation Final Penalty Total** \$105

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

### Economic Benefit Worksheet

**Respondent:** Bosque Basin Water Supply Corporation  
**Case ID No.:** 28010  
**Reg. Ent. Reference No.:** RN101213544  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 4

Percent Interest	Years of Depreciation
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	\$1,000	04-Nov-2004	17-Nov-2005	1.0	\$3	\$69	\$72
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

Estimated cost to provide a proper concrete sealing block for well No. 2. Date required is the date the violation was initially documented. Final date is the 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

Approx. Cost of Compliance \$1,000

**TOTAL** \$72

<b>Screening Date</b>	20-Jan-2006	<b>Docket No.</b>	2006-0075-MLM-E	<b>PCW</b>
<b>Respondent</b>	Bosque Basin Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	28010	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101213544			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Sandy VanCleave			
<b>Violation Number</b>	<input type="text" value="5"/>			
<b>Primary Rule Cite(s)</b>	<input type="text" value="30 Tex. Admin. Code § 290.43(c)(4)"/>			
<b>Secondary Rule Cite(s)</b>	<input type="text"/>			
<b>Violation Description</b>	<div style="border: 1px solid black; padding: 5px;">                 Failed to provide the water storage tanks with a liquid level indicator located at the tank site. Specifically, during the November 21, 2005 record review, it was documented that the respondent failed to respond to a letter by the TCEQ Waco Regional Office requesting a written response by March 29, 2005.             </div>			
<b>Base Penalty</b>				<input type="text" value="\$1,000"/>

<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				<b>Percent</b> <input type="text" value="5%"/>
<b>&gt;&gt; Programmatic Matrix</b>				
<b>Falsification</b>				
Major      Moderate      Minor				
<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>				
				<b>Percent</b> <input type="text"/>
<b>Matrix Notes</b>	Failure to equip the storage tanks with a liquid level indicator can contribute to inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.			
<b>Adjustment:</b>				<input type="text" value="-950"/>
<b>Base Penalty Subtotal</b>				<input type="text" value="\$50"/>

<b>Violation Events</b>				
<b>Number of Violation Events</b>		<input type="text" value="2"/>		
<i>mark only one use a small x</i>	<i>daily</i>	<input type="text"/>		
	<i>monthly</i>	<input type="text"/>		
	<i>quarterly</i>	<input type="text"/>		
	<i>semiannual</i>	<input type="text"/>		
	<i>annual</i>	<input type="text"/>		
	<i>single event</i>	<input checked="" type="checkbox"/>		
				<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
Two single events are recommended for the two ground storage tanks that are required to have water level indicators.				

<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
<b>Estimated EB Amount</b>	<input type="text" value="\$18"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$105"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		<input type="text" value="\$105"/>	

### Economic Benefit Worksheet

**Respondent:** Bosque Basin Water Supply Corporation  
**Case ID No.:** 28010  
**Reg. Ent. Reference No.:** RN101213544  
**Media [Statute]:** Public Water Supply  
**Violation No.:** 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs							
Equipment	\$250	04-Nov-2004	17-Nov-2005	1.0	\$1	\$17	\$18
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:** Estimated cost to provide the storage tanks with proper water level indicators. Date required is the date the violation was originally documented. Final date is the 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:**

Approx. Cost of Compliance \$250
**TOTAL** \$18

## Compliance History

Customer/Respondent/Owner-Operator:	CN600656292 Bosque Basin Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101213544 BOSQUE BASIN WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	1550074 1550074
Location:	352 OAK ST, CHINA SPRING, TX, 76633		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	February 01, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	February 01, 2001 to February 01, 2006		

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

Name: Sandy VanCleave Phone: 512/239-0667

### 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?   | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)?  | <u>N/A</u> |
| 5. When did the change(s) in ownership occur?  | <u>N/A</u> |

### 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 | 01/11/2006 | (438202) |
| 2 | 12/29/2004 | (340096) |
| 3 | 02/18/2005 | (349707) |
| 4 | 10/28/2005 | (435220) |

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

Date: 12/29/2004 (340096)

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]

Description: Failure to design and maintain a water distribution system to provide at all times a minimum pressure of 35 pounds per square inch (psi) at flow rates of at least 1.5 gallons per minute at each service outlet or connection.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(A)

Description: Failure to locate a well site for a public drinking water system at least 150 feet from a septic tank drain field.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide documentation of a sanitary easement at the time of this investigation.

Classification: Minor

Self Report? NO

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description:	Failure to provide a concrete sealing block that extends at least 3 feet from the exterior well casing in all directions.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(t)	
Description:	Failure to post an emergency phone number on the sign at Well #2.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 288, SubChapter C 288.30(5)(B)	
Description:	Failure to provide a copy of an adopted drought contingency plan.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(3)	
Description:	Failure to provide an overflow pipe on ground storage tank #1.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)	
Description:	Failure to provide a water level indicator on the ground storage tanks 1 & 2.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(5)	
Description:	Failure to locate inlet and outlet connections on GS Tank #2 to prevent short-circuiting.	Classification: Minor
Self Report?	NO	
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)	
Description:	Failure to provide water system records that needed to be reviewed at the time of the investigation.	

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  
BOSQUE BASIN WATER SUPPLY  
CORPORATION;  
RN101213544

§  
§  
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§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2006-0075-MLM-E**

**I. JURISDICTION AND STIPULATIONS**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Bosque Basin Water Supply Corporation ("Bosque") under the authority of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 7 and 11, and 30 TEX. ADMIN. CODE chs. 288 and 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Bosque, appear before the Commission and together stipulate that:

1. Bosque owns a public water supply at 352 Oak Street in China Spring, McLennan County, Texas (the "Facility") that has approximately 60 service connections and serves at least 25 people per day for at least 60 days per year .
2. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. This Agreed Order is entered pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 11.0842 because it alleges violations of TEX. WATER CODE ch. 11 and TCEQ rules.
4. The Commission and Bosque agree that the Commission has jurisdiction to enter this Agreed Order, and that Bosque is subject to the Commission's jurisdiction.
5. Bosque received notice of the violations alleged in Section II ("Allegations") on or about January 21, 2006.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Bosque of any violation alleged in Section II (“Allegations”), nor of any statute or rule.
7. An administrative penalty in the amount of eight hundred twenty dollars (\$820.00) is assessed by the Commission in settlement of the violations alleged in Section II (“Allegations”). Bosque has paid eight hundred twenty dollars (\$820.00) of the administrative penalty.
8. 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.
9. The Executive Director of the TCEQ and Bosque have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
10. 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 Bosque has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.
12. 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**

Bosque, as owner of the Facility, is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 288.30(5)(B) by failing to keep on file and make available for Commission review a drought contingency plan that was prepared and adopted not later than May 1, 2005, as documented during a record review conducted on November 21, 2005.
2. 30 TEX. ADMIN. CODE § 290.44(d) by failing to maintain a minimum pressure of 35 pounds per square inch (“psi”) throughout the distribution system under normal operating conditions. Specifically, the system’s pressure was 27 psi at the end of the distribution system, as documented during a record review conducted on November 21, 2005.

3. 30 TEX. ADMIN. CODE § 290.41(c)(1)(A) by failing to locate a well site for a public drinking water system at least 150 feet from a septic tank perforated drain field, as documented during a record review conducted on November 21, 2005.
4. 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) by failing to keep on file and make available for Commission review documentation of a sanitary control easement for well No. 1, as documented during a record review conducted on November 21, 2005.
5. 30 TEX. ADMIN. CODE § 290.46(f)(3)(E)(iv) by failing to keep on file and make available for Commission review copies of customer service inspection reports, as documented during a record review conducted on November 21, 2005.
6. 30 TEX. ADMIN. CODE § 290.41(c)(3)(J) by failing to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, the respondent failed to respond to a letter by the TCEQ Waco Regional Office requesting a written response by March 29, 2005, as documented during a record review conducted on November 21, 2005.
7. 30 TEX. ADMIN. CODE § 290.43(c)(4) by failing to provide the water storage tanks with a proper liquid level indicator, as documented during a record review conducted on November 21, 2005.

### **III. DENIALS**

Bosque generally denies each allegation in Section II (“Allegations”).

### **IV. ORDER**

1. It is, therefore, ordered by the TCEQ that Bosque pay administrative penalties as set forth in Section I, Paragraph seven above. The imposition of these administrative penalties and Bosque’s compliance with all the terms and conditions set forth in this Agreed Order resolve only those matters described here. 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 sent with the notation “Re: Bosque Basin Water Supply Corporation; Docket No. 2006-0075-MLM-E” to:

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

2. Bosque shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order:
    - i. Begin maintaining a minimum pressure of 35 psi throughout the distribution system under normal operating conditions, as required by 30 TEX. ADMIN. CODE § 290.44;
    - ii. Extend the concrete sealing block at least three feet from the exterior well casing in all directions for well No. 2, as required by 30 TEX. ADMIN. CODE § 290.41; and
    - iii. Submit copies of the sanitary control easement for well No. 1 and copies of customer service inspection reports.
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.e. and/or other records to demonstrate compliance with Ordering Provisions 2.a.i. through 2.a.iii.
  - c. Within 180 days after the effective date of this Agreed Order:
    - i. Ensure that the well is at least 150 feet away from the septic tank drainfield, and ensure the groundwater source is located so that there will be no danger of pollution from flooding or from unsanitary surroundings, as required by 30 TEX. ADMIN. CODE § 290.41; or
    - ii. Obtain an exception to 30 TEX. ADMIN. CODE § 290.41(c)(1), pursuant to 30 TEX. ADMIN. CODE § 290.39(1).
  - d. Within 195 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision 2.e., and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.c.i. and 2.c.ii.

- e. The certification required in Ordering Provisions 2.b., 2.d. and 2.f. above 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:

Frank Burleson, Water Section Manager  
Texas Commission on Environmental Quality  
Waco Regional Office  
6801 Sanger Avenue, Ste. 2500  
Waco, Texas 79710-7826

3. The provisions of this Agreed Order shall apply to and be binding upon Bosque. Bosque 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. If Bosque fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Bosque's failure to comply is not a violation of this Agreed Order. Bosque shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Bosque shall notify the Executive Director within seven days after Bosque becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Bosque shall be made

in writing to the Executive Director. Extensions are not effective until Bosque receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against Bosque 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.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Bosque, or three days after the date on which the Commission mails notice of the Order to Bosque, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

*[Handwritten Signature]*

For the Executive Director

9/18/06

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions, if any, in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

*Laura M. Myers*  
Signature

7/14/06  
Date

Laura M. Myers  
Name (Printed or typed)  
Authorized representative of  
Bosque Basin Water Supply Corporation

Sec. / Pres.  
Title