

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 3  
**DOCKET NO.:** 2008-0601-PWS-E **TCEQ ID:** RN101438893 **CASE NO.:** 15229  
**RESPONDENT NAME:** Butler Water Supply Corporation

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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> Butler WSC, 1350 US Highway 84, Freestone 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 1, 2008. 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. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Ms. Diane Hare, Registered Agent, Butler Water Supply Corporation, Rural Route 1, Box 485C, Oakwood, Texas 75855-9688  Mr. Jack J. Bolte, President, Butler Water Supply Corporation, 1350 US Highway 84, Oakwood, Texas 75855  <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 checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input 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> January 18, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> March 21, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failure to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), TEX. HEALTH &amp; SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0628-PWS-E, Ordering Provision No. 2.d.].</p> <p>2) Failure to inspect the system's ground and elevated storage tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>3) Failure to inspect the system's pressure tanks annually [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>4) Failure to calibrate well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failure to provide an intruder-resistant fence to protect the system's wells, water storage and pressure maintenance facilities [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].</p> <p>6) Failure to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter of free chlorine residual throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH &amp;</p>	<p><b>Total Assessed:</b> \$5,163</p> <p><b>Total Deferred:</b> \$0  <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> \$5,163</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>Findings Orders Justification:</b> This is a Findings Order because the case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated indifference to legal duty.</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent achieved compliance with the minimum disinfectant chlorine residual throughout the distribution system on January 19, 2008.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Conduct an annual inspection of the water system's ground and elevated storage tanks;</p> <p>ii. Conduct an annual inspection of the water system's pressure tanks;</p> <p>iii. Provide Well No.1 with a casing that extends 18 inches above the natural ground surface; and</p> <p>iv. Commence operating the Facility under the direct supervision of a certified water works operator who holds a class "C" or higher license.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Properly calibrate the flow meters for Well Nos. 1 and 3; and</p> <p>ii. Repair or replace the fence near the gate at Plant No. 1 and ensure that the fences at Plant No. 3 and the Booster Pump Station have three strands of barbed wire on the top.</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision c.</p>

<p>SAFETY CODE § 341.0315(c)].</p> <p>7) Failure to operate the system under the direct supervision of a water works operator who holds a Class "C" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(B) and TEX. HEALTH &amp; SAFETY CODE § 341.033(a)].</p> <p>8) Failure to provide a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>9) Failure to provide an elevated storage tank capacity of 100 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>10) Failure to provide a well casing that extends a minimum of 18 inches above the natural ground surface for Well No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(3)(B)].</p>		<p>e. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide two or more wells having a total capacity of 0.6 gpm per connection;</p> <p>ii. Provide a pressure tank capacity of 20 gallons per connection for Plant No. 1; and</p> <p>iii. Provide an elevated storage tank capacity of 100 gallons per connection for Plant No. 3.</p> <p>f. Within 195 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 e.</p>
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Additional ID No(s): PWS ID No. 0810013





# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

**TCEQ**

DATES	Assigned	31-Mar-2008	Screening	4-Apr-2008	EPA Due	1-Nov-2008
	PCW	9-Apr-2008				

## RESPONDENT/FACILITY INFORMATION

Respondent	Butler Water Supply Corporation		
Reg. Ent. Ref. No.	RN101438893		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

## CASE INFORMATION

Enf./Case ID No.	15229	No. of Violations	10
Docket No.	2008-0601-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Yuliya Dunaway
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$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"/>	(mark with x)

Notes:

**Total EB Amounts**  Subtotal 6   
 Approx. Cost of Compliance  \*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.

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 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

Media [Statute] Public Water Supply

Enf. Coordinator Yulya Dunaway

## Compliance History Worksheet

## &gt;&gt; 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)	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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 judgements 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) 45%

## &gt;&gt; Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance  
History  
Notes

The penalty enhancement is due to one prior agreed final enforcement order containing a denial of liability and one agreed final enforcement order without a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 45%

**Screening Date** 4-Apr-2008 **Docket No.** 2008-0601-PWS-E **PCW**  
**Respondent** Butler Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 15229 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN101438893  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway  
**Violation Number**

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(D)(i), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0628-PWS-E, Ordering Provision No. 2.d.

**Violation Description** Failed to provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the water system is required to provide a total well capacity of 336 gpm based on its 561 connections. However, at the time of the investigation, the water system was providing a total of 267 gpm of well capacity, which is a 21% deficiency.

**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="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	

>> 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** Without sufficient well capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.

**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 checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

Fourteen quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2004-0628-PWS-E, December 20, 2004, to the date of screening, April 4, 2008.

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 1

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$5,000	20-Dec-2004	1-Jun-2009	4.4	\$74	\$1,483	\$1,557
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**    The delayed costs include the amount to provide two wells with a total capacity of 0.6 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2004-0628-PWS-E to the estimated date of compliance.

**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				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    \$5,000

**TOTAL**    \$1,557

Screening Date 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent
	Release	Major	Moderate	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	

>> 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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 2

<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

**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	18-Jan-2007	18-Jan-2008	1.0	\$10	\$200	\$210
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 storage tank inspection (\$50 per tank) for the Facility's ground and elevated storage tanks, calculated 12 months preceding the January 18, 2008 investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$210

**Screening Date** 4-Apr-2008 **Docket No.** 2008-0601-PWS-E **PCW**  
**Respondent** Butler Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 15229 *PCW Revision February 29, 2008*  
**Reg. Ent. Reference No.** RN101438893  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

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

>> **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

<i>mark only one with an x</i>	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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**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)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

**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	\$100	18-Jan-2007	18-Jan-2008	1.0	\$5	\$100	\$105
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 inspection for the Facility's two pressure tanks, calculated 12 months preceding the January 18, 2008 investigation.

Approx. Cost of Compliance

\$100

**TOTAL**

\$105

Screening Date 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

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

>> Programmatic Matrix

Matrix Notes	Falsification			Percent
	Major	Moderate	Minor	
<input type="text" value="Failure to have well flow measuring devices properly calibrated could result in inaccurate or unavailable data of the chemical treatment effectiveness in the water provided to the customers resulting in exposure of an insignificant amount of contaminants which would not exceed levels that are protective of human health."/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

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"/>
single event	<input checked="" type="checkbox"/>

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**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				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

**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]	\$200	18-Jan-2005	18-Jan-2008	4.0	\$40	\$200	\$240
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to properly calibrate the flow meters, calculated three years preceding the January 18, 2008 investigation.

Approx. Cost of Compliance \$200

TOTAL \$240

Screening Date 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

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

>> 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"/>
	single event	<input checked="" type="checkbox"/>

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**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	\$500	18-Jan-2008	1-Feb-2009	1.0	\$2	\$35	\$36
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

The delayed costs include the amount to install the barbed wire and repair the gap on the water system's fences, 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

Approx. Cost of Compliance

\$500

TOTAL

\$36

Screening Date 4-Apr-2008  
 Respondent Butler Water Supply Corporation  
 Case ID No. 15229  
 Reg. Ent. Reference No. RN101438893  
 Media [Statute] Public Water Supply  
 Enf. Coordinator Yuliya Dunaway

Docket No. 2008-0601-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(4) and 290.46(d)(2)(B), and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine throughout the distribution system at all times. Specifically, a field test conducted at 840 Highway 84 East on January 18, 2008 recorded a free chlorine residual of 0.08 mg/L.

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="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> 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

If the water supply does not maintain proper levels of disinfection, customers of the water supply could be exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

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"/>
single event	<input checked="" type="text" value="x"/>

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**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				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

**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]	\$50	18-Jan-2008	19-Jan-2008	0.0	\$0	\$50	\$50
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount for additional maintenance, oversight, and an increase in chlorine dosage that could have avoided or prevented the low disinfectant residual levels, calculated from the date of the field test to the date of compliance.

Approx. Cost of Compliance \$50

TOTAL \$50

Screening Date 4-Apr-2008  
 Respondent Butler Water Supply Corporation  
 Case ID No. 15229

Docket No. 2008-0601-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893  
 Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.46(e)(4)(B) and Tex. Health & Safety Code § 341.033(a)

Violation Description

Failed to operate the system under the direct supervision of a water works operator who holds a Class "C" or higher license. Specifically, at the time of the investigation, it was documented that the water system operator had a Class "D" license that had expired in 2002.

Base Penalty

>> Environmental, Property and Human Health Matrix

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	X	<input type="text"/>

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Failure of the water supply to employ an operator who holds an adequate license could result in poor plant operation and expose the public to a significant amount of contaminants at levels that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, January 18, 2008, to the date of screening, April 4, 2008.

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime 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				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

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$150	18-Jan-2008	1-Dec-2008	0.9	\$6	\$130	\$136
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

The avoided costs include the amount to take the examination for a Class "C" license for the water system operator, calculated from the date of the investigation to the estimated date of compliance.

Approx. Cost of Compliance

\$150

TOTAL

\$136

Screening Date 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description

Failed to provide a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that Plant No. 1 is required to provide a pressure tank capacity of 3,440 gallons based on its 172 connections. However, Plant No. 1 was providing a pressure tank capacity of 3,000 gallons, which is a 13% deficiency.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Without sufficient pressure tank capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.					

Adjustment

Violation Events

<input type="text" value="1"/>	<input type="text" value="77"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>

One quarterly event is recommended from the date of the investigation, January 18, 2008, to the date of screening, April 4, 2008.

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 8

Percent Interest	Years of Depreciation
5.0	15

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

**Delayed Costs**

Equipment	\$5,000	18-Jan-2008	1-Jun-2009	1.4	\$23	\$457	\$479
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

The delayed costs include the amount to provide a pressure tank capacity of 20 gallons per connection, 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

Approx. Cost of Compliance

\$5,000

TOTAL

\$479

Screening Date 4-Apr-2008

Docket No. 2008-0601-PWS-E

PCW

Respondent Butler Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 15229

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101438893

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to provide an elevated storage tank capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that Plant No. 3 is required to provide 13,700 gallons of elevated storage capacity for its 137 connections. However, Plant No. 3 was providing an elevated storage capacity of 11,000 gallons, which is a 20% deficiency.

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="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> 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

Without sufficient elevated storage capacity, the system's ability to provide a safe and adequate supply of water could be compromised exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.

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 checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

One quarterly event is recommended from the date of the investigation, January 18, 2008, to the date of screening, April 4, 2008.

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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 9

<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
<b>Delayed Costs</b>							
Equipment	\$5,000	18-Jan-2008	1-Jun-2009	1.4	\$23	\$457	\$479
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**  
 The delayed costs include the amount to provide a total storage capacity of 200 gallons per connection, calculated from the date of the investigation to the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<b>Avoided Costs</b>							
<b>ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)</b>							
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 TOTAL

\$5,000	\$479
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**Screening Date** 4-Apr-2008 **Docket No.** 2008-0601-PWS-E **PCW**  
**Respondent** Butler Water Supply Corporation *Policy Revision 2 (September 2002)*  
**Case ID No.** 15229 *PCW Revision February 29, 2008*

**Reg. Ent. Reference No.** RN101438893  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Yuliya Dunaway

**Violation Number**

**Rule Cite(s)**

**Violation Description**

**Base Penalty**

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	

>> 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 checked="" type="checkbox"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
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** Butler Water Supply Corporation  
**Case ID No.** 15229  
**Reg. Ent. Reference No.** RN101438893  
**Media** Public Water Supply  
**Violation No.** 10

**Percent Interest** 5.0  
**Years of Depreciation** 15

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

**Delayed Costs**

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$500	18-Jan-2008	1-Jan-2009	1.0	\$2	\$32	\$33
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

The delayed costs include the amount to extend the well casing at a minimum of 18 inches above the natural ground surface, 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)

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				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

\$500

TOTAL

\$33

# Compliance History

Customer/Respondent/Owner-Operator:	CN600651673	Butler WSC	Classification:	Rating:
Regulated Entity:	RN101438893	BUTLER WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY		REGISTRATION	0810013
	WATER LICENSING		LICENSE	0810013
Location:	1350 US HIGHWAY 84, FREESTONE COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	April 02, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	April 02, 2003 to April 02, 2008			

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.

- Effective Date: 11/02/2003 ADMINORDER 2003-0511-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(b)(2)  
30 TAC Chapter 290, SubChapter F 290.109(f)(3)  
5A THC Chapter 341, SubChapter A 341.031(a)

Description: Exceeded MCL for samples containing coliform organisms.
- Effective Date: 12/20/2004 ADMINORDER 2004-0628-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to maintain records.
- Classification: Minor

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

Description: Failed to provide 35 pounds per square inch (psi) pressure at flow rates of at least 1.5 gallons per minute (gpm) per connection.
- Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failed to post a sign at Plant #1 and Plant #2 with the name of the public water supply system and required contact information.
- Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failed to provide a properly sealing overflow pipe flap on the ground storage tank.
- Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)  
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide 0.6 gallon per minute (gpm) per connection for well capacity.
- Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(4)(A)

Description: Failed to provide a small bottle of fresh ammonia solution (or approved equal) for testing chlorine leakage.

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 02/19/2004 (262313)
  - 2 03/24/2008 (615095)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
- 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  
BUTLER WATER SUPPLY  
CORPORATION  
RN101438893

§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

**AGREED ORDER**  
**DOCKET NO. 2008-0601-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Butler Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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



### I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply at 1350 US Highway 84, Freestone County, Texas (the "Facility") that has approximately 549 service connections and serves at least 25 people per day for at least 60 days per year.
2. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not provide two or more wells having a total capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the water system is required to provide a total well capacity of 336 gpm based on its 561 connections. However, at the time of the investigation, the water system was providing a total of 267 gpm of well capacity, which is a 21% deficiency.
3. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not inspect the system's ground and elevated storage tanks annually. Specifically, at the time of the investigation, it was noted that all of the system's storage tanks were not inspected in the 12 months preceding the January 18, 2008 investigation.
4. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not inspect the system's pressure tanks annually. Specifically, at the time of the investigation, it was noted that all of the system's pressure tanks were not inspected in the 12 months preceding the January 18, 2008 investigation.
5. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not calibrate well meters at least once every three years. Specifically, at the time of the investigation, it was documented that the flow meters for Well Nos. 1 and 3 have not been calibrated in the last three years.
6. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not provide an intruder-resistant fence to protect the system's wells, water storage and pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the fence at Plant No. 3 and Booster Pump Station had the top strands of barbed wire missing or broken in places and the fence at Plant No. 1 was damaged near the gate.
7. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 milligrams per liter ("mg/L") of free chlorine residual throughout the distribution system at all times. Specifically, a field test conducted at 840 Highway 84 East on January 18, 2008 recorded a free chlorine residual of 0.08 mg/L.
8. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not operate the system under the direct supervision of a water works operator who holds a Class "C" or higher license. Specifically, at the time of the investigation, it was documented that the water system operator had a Class "D" license that had expired in 2002.



9. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not provide a pressure tank capacity of 20 gallons per connection. Specifically, at the time of the investigation, it was documented that Plant No. 1 is required to provide a pressure tank capacity of 3,440 gallons based on its 172 connections. However, Plant No. 1 was providing a pressure tank capacity of 3,000 gallons, which is a 13% deficiency.
10. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not provide an elevated storage tank capacity of 100 gallons per connection. Specifically, at the time of the investigation, it was documented that Plant No. 3 is required to provide 13,700 gallons of elevated storage capacity for its 137 connections. However, Plant No. 3 was providing an elevated storage capacity of 11,000 gallons, which is a 20% deficiency.
11. During an investigation on January 18, 2008, TCEQ staff documented that the Respondent did not provide a well casing that extends a minimum of 18 inches above the natural ground surface for Well No. 1. Specifically, at the time of the investigation, it was documented that the well casing for the well at Plant No. 1 did not extend past the concrete sealing block.
12. The Respondent received notice of the violations on March 26, 2008.
13. The Executive Director recognizes that the Respondent achieved compliance with the minimum disinfectant chlorine residual throughout the distribution system on January 19, 2008.

## II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide two or more wells having a total capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2004-0628-PWS-E, Ordering Provision No. 2.d.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to inspect the system's ground and elevated storage tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to inspect the system's pressure tanks annually, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to calibrate well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).



6. As evidenced by Findings of Fact No. 6, the Respondent failed to provide an intruder-resistant fence to protect the system's wells, water storage and pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to operate the disinfection equipment to maintain a minimum disinfectant residual of 0.2 mg/L of free chlorine residual throughout the distribution system at all times, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to operate the system under the direct supervision of a water works operator who holds a Class "C" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(B) and TEX. HEALTH & SAFETY CODE § 341.033(a).
9. As evidenced by Findings of Fact No. 9, the Respondent failed to provide a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Findings of Fact No. 10, the Respondent failed to provide an elevated storage tank capacity of 100 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
11. As evidenced by Findings of Fact No. 11, the Respondent failed to provide a well casing that extends a minimum of 18 inches above the natural ground surface for Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B).
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of Five Thousand One Hundred Sixty-Three Dollars (\$5,163) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the Five Thousand One Hundred Sixty-Three Dollar (\$5,163) administrative penalty.

### III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of Five Thousand One Hundred Sixty-Three Dollars (\$5,163) as set forth in Section II, Paragraph 13 above,



for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Butler Water Supply Corporation, Docket No. 2008-0601-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. The Respondent shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order:
    - i. Conduct an annual inspection of the water system's ground and elevated storage tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
    - ii. Conduct an annual inspection of the water system's pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46;
    - iii. Provide Well No.1 with a casing that extends 18 inches above the natural ground surface, as required by 30 TEX. ADMIN. CODE § 290.41; and
    - iv. Commence operating the Facility under the direct supervision of a certified water works operator who holds a class "C" or higher license, as required by 30 TEX. ADMIN. CODE § 290.46.
  - b. Within 45 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a.
  - c. Within 60 days after the effective date of this Agreed Order :
    - i. Properly calibrate the flow meters for Well Nos. 1 and 3, as required by 30 TEX. ADMIN. CODE § 290.46; and
    - ii. Repair or replace the fence near the gate at Plant No. 1 and ensure that the fences at Plant No. 3 and the Booster Pump Station have three strands of barbed wire on the top, as required by 30 TEX. ADMIN. CODE § 290.43.



- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.f below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.c.
- e. Within 180 days after the effective date of this Agreed Order:
  - i. Provide two or more wells having a total capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45;
  - ii. Provide a pressure tank capacity of 20 gallons per connection for Plant No. 1, as required by 30 TEX. ADMIN. CODE § 290.45; and
  - iii. Provide an elevated storage tank capacity of 100 gallons per connection for Plant No. 3, as required by 30 TEX. ADMIN. CODE § 290.45.
- f. Within 195 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.e. 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:

Water Section Manager  
Waco Regional Office  
Texas Commission on Environmental Quality  
6801 Sanger Avenue, Suite 2500  
Waco, Texas 76710-7826



3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

*John Srdin*  
For the Executive Director

9/27/2008  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Butler Water Supply Corporation. I am authorized to agree to the attached Agreed Order on behalf of Butler Water Supply Corporation, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Butler Water Supply Corporation waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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.

*Jack J. Bolte*  
Signature

6.15.08  
Date

Jack J. Bolte  
Name (Printed or typed)  
Authorized Representative of  
Butler Water Supply Corporation

President - Butler Water Supply  
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.

