

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2009-0971-PWS-E **TCEQ ID:** RNI01224988 **CASE NO.:** 37841

RESPONDENT NAME: Buchanan Lake Village, Inc.

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: Buchanan Lake Village, 512 Frazier Street, Llano County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 16, 2009. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Christopher Keffer, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5610; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Ms. Betty Jo Carter, President, Buchanan Lake Village, Inc., P.O. Box 5308, Jonestown, Texas 78645 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 19, 2009</p> <p>Date of NOV/NOE Relating to this Case: May 26, 2009 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide an up-to-date plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(I)].</p> <p>2) Failure ensure the Facility's operating records are available and accessible for review during an inspection [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iv), and 290.46(f)(3)(E)(iv)].</p> <p>3) Failure to secure sanitary control easements covering all property within 150 feet of the wells [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)].</p> <p>4) Failure to calibrate the Facility's well meters at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>5) Failure to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>6) Failure to provide a total storage capacity of 200 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p>	<p>Total Assessed: \$856</p> <p>Total Deferred: \$171 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$685</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of chemicals used each week, the volume of water treated each week, completed customer service inspection reports and dates that the dead-end mains were flushed.</p> <p>b. Within 45 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference;</p> <p>ii. Obtain sanitary control easements or Commission approval of an exception to the easement requirement that covers the land within 150 feet of Well No. 1 (G1500003A) and Well No. 2 (G1500003B); and</p> <p>iii. Properly calibrate the well meters at Well No. 1 (G1500003A) and Well No. 2 (G1500003B).</p> <p>d. Within 75 days after the effective of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p> <p>e. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Provide a total storage capacity of 200 gallons per connection; and</p> <p>ii. Provide a total well capacity of 0.6 gpm</p>

		<p>per connection.</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 1500003



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

ICEQ

DATES	Assigned	1-Jun-2009	Screening	23-Jun-2009	EPA Due	
	PCW	24-Jun-2009				

RESPONDENT/FACILITY INFORMATION			
Respondent	Buchanan Lake Village, Inc.		
Reg. Ent. Ref. No.	RN101224988		
Facility/Site Region	11-Austin	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37841	No. of Violations	6
Docket No.	2009-0971-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Christopher Keffer
		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 Subtotals 2, 3, & 7

Notes: Enhancement is due to one NOV with same or similar violations as those in the current enforcement action, one NOV with dissimilar violations and one agreed final enforcement order containing a denial of liability.

Culpability Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments Subtotal 5

Economic Benefit Subtotal 6

Total EB Amounts
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: Enhancement recommended for recovery of avoided costs of compliance.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 23-Jun-2009

Docket No. 2009-0971-PWS-E

PCW

Respondent Buchanan Lake Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 37841

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101224988

Media [Statute] Public Water Supply

Enf. Coordinator Christopher Keffer

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	1	2%
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	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of 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%
<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) 27%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

N/A

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement is due to one NOV with same or similar violations as those in the current enforcement action, one NOV with dissimilar violations and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 27%

Screening Date 23-Jun-2009	Docket No. 2009-0971-PWS-E	PCW	
Respondent Buchanan Lake Village, Inc.	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 37841	<small>PCW Revision October 30, 2008</small>		
Reg. Ent. Reference No. RN101224988			
Media [Statute] Public Water Supply			
Enf. Coordinator Christopher Keffer			
Violation Number <input type="text" value="1"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)		
Violation Description	Failed to provide an up-to-date plant operations manual for operator review and reference. Specifically, at the time of the investigation, it was documented that the Facility did not have a plant operations manual for operator review and reference.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
Harm			
Release	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent			<input type="text" value="0%"/>
>> Programmatic Matrix			
Falsification			
Major	Moderate	Minor	
<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
Percent			<input type="text" value="10%"/>
Matrix Notes	100% of the rule requirement was not met.		
Adjustment		<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="36"/> Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	
	weekly	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text" value="x"/>	
Violation Base Penalty			<input type="text" value="\$100"/>
One single event is recommended.			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/> Reduction	
		<input type="text" value="\$0"/>	
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		<input type="text" value="\$100"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$58"/>		Violation Final Penalty Total <input type="text" value="\$179"/>	
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$179"/>	

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media 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	Onetime Costs	EB Amount
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	7-Jul-2008	1-Mar-2010	1.65	\$3	\$55	\$58
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount required to compile a plant operations manual, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$58

Screening Date 23-Jun-2009	Docket No. 2009-0971-PWS-E	PCW		
Respondent Buchanan Lake Village, Inc.	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 37841	<small>PCW Revision October 30, 2008</small>			
Reg. Ent. Reference No. RN101224988				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number 2				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(A)(i)(ii), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iv) and 290.46(f)(3)(E)(iv)			
Violation Description	Failed to ensure the Facility's operation records are available and accessible for review during an inspection. Specifically, at the time of the investigation, it was documented that the following documents were not available for review: the amount of chemicals used each week, the volume of water treated each week, completed customer service inspections and the dates that dead-end mains were flushed.			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	0%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
		Percent	1%	
Matrix Notes	Less than 30% of the rule requirements were not met.			
		Adjustment	\$990	
		Subtotal	\$10	
Violation Events				
	Number of Violation Events	1	Number of violation days	
		36		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty \$10	
	weekly	<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"/>		
One single event is recommended.				
Good Faith Efforts to Comply				
	0.0% Reduction		\$0	
	<small>Before NOV</small>	<small>NCV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="text" value="X"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
		Violation Subtotal	\$10	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	\$39	Violation Final Penalty Total	\$18	
		This violation Final Assessed Penalty (adjusted for limits)	\$50	

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$500	7-Jul-2008	1-Feb-2010	1.57	\$39	n/a	\$39
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the amount to compile and begin maintaining a record keeping system that includes but is not limited to: chemical usage each week, volume of water treated each week, completed customer service inspections and dates of dead-end main flushings, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

AVOIDED COSTS							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$500 **TOTAL** \$39

Screening Date 23-Jun-2009	Docket No. 2009-0971-PWS-E	PCW		
Respondent Buchanan Lake Village, Inc.	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 37841	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No. RN101224988				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number 3				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)			
Violation Description	Failed to secure sanitary control easements covering all property within 150 feet of the wells. Specifically, at the time of the investigation, it was documented that the Facility did not have sanitary control easements for Well Nos. 1 (G1500003A) and 2 (G1500003B).			
Base Penalty		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
		Percent	5%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
		Percent	0%	
Matrix Notes	Failure to secure a sanitary control easement could expose customers of the Facility to an Insignificant amount of contaminants which would not exceed levels protective of human health.			
Adjustment		\$950		
		\$50		
Violation Events				
Number of Violation Events		2		
		36 Number of violation days		
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
		Violation Base Penalty	\$100	
Two single events are recommended.				
Good Faith Efforts to Comply				
		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$100		
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$47		
Statutory Limit Test				
Violation Final Penalty Total		\$179		
This violation Final Assessed Penalty (adjusted for limits)		\$179		

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$600	7-Jul-2008	1-Feb-2010	1.57	\$47	n/a	\$47
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed costs include the amount to secure sanitary control easements and file the easements in the county courthouse, calculated from the date of the investigation initially documenting the violation to the estimated date of compliance.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **TOTAL**
\$600 \$47

<p>Screening Date 23-Jun-2009</p> <p>Respondent Buchanan Lake Village, Inc.</p> <p>Case ID No. 37841</p> <p>Reg. Ent. Reference No. RN101224988</p> <p>Media [Statute] Public Water Supply</p> <p>Enf. Coordinator Christopher Keffer</p> <p>Violation Number <input type="text" value="4"/></p> <p>Rule Cite(s) <input type="text" value="30 Tex. Admin. Code § 290.46(s)(1)"/></p> <p>Violation Description <input type="text" value="Failed to calibrate the Facility's well meters at least once every three years. Specifically, at the time of the investigation, it was documented that the Facility's two well meters had not been calibrated in the last year three years."/></p>	<p>Docket No. 2009-0971-PWS-E</p> <p style="text-align: right;">PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision October 30, 2008</i></p>																			
Base Penalty <input type="text" value="\$1,000"/>																				
>> Environmental, Property and Human Health Matrix																				
<p>OR</p> <table border="1" style="margin-left: 20px;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: right;">Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="5%"/></td> </tr> <tr> <td style="text-align: right;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </table>		Harm					Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>	Potential	<input type="text"/>	<input type="text"/>	x	
	Harm																			
	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="5%"/>																
Potential	<input type="text"/>	<input type="text"/>	x																	
>> Programmatic Matrix																				
<table border="1" style="margin-left: 20px;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: right;">Falsification</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="0%"/></td> </tr> </table> <p>Matrix Notes <input type="text" value="Failure to have well meters properly calibrated could result in inaccurate measurement of water, which could cause customers of the Facility to be exposed to an insignificant amount of contaminants, which would not exceed levels protective of human health."/></p>		Major	Moderate	Minor		Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>										
	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Adjustment <input type="text" value="\$950"/>																				
<input type="text" value="\$50"/>																				
Violation Events																				
<p>Number of Violation Events <input type="text" value="2"/> <input type="text" value="36"/> Number of violation days</p> <table border="1" style="margin-left: 20px;"> <tr> <td rowspan="7" style="vertical-align: middle;"><i>mark only one with an x</i></td> <td style="text-align: center;">daily</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">weekly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;">x</td> </tr> </table>	<i>mark only one with an x</i>	daily	<input type="text"/>	weekly	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	x	<p>Violation Base Penalty <input type="text" value="\$100"/></p>				
<i>mark only one with an x</i>		daily	<input type="text"/>																	
		weekly	<input type="text"/>																	
		monthly	<input type="text"/>																	
		quarterly	<input type="text"/>																	
		semiannual	<input type="text"/>																	
		annual	<input type="text"/>																	
	single event	x																		
<input type="text" value="Two single events are recommended."/>																				
Good Faith Efforts to Comply																				
<table border="1" style="margin-left: 20px;"> <tr> <td></td> <td style="text-align: center;">0.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td style="text-align: right;">Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td style="text-align: right;">N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p>Notes <input type="text" value="The Respondent does not meet the good faith criteria for this violation."/></p>		0.0% Reduction			Before NOV	NOV to EDPRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)	<p><input type="text" value="\$0"/></p>				
	0.0% Reduction																			
	Before NOV	NOV to EDPRP/Settlement Offer																		
Extraordinary	<input type="text"/>	<input type="text"/>																		
Ordinary	<input type="text"/>	<input type="text"/>																		
N/A	x	(mark with x)																		
Violation Subtotal <input type="text" value="\$100"/>																				
Economic Benefit (EB) for this violation																				
<p>Estimated EB Amount <input type="text" value="\$240"/></p>	<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$179"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$179"/></p>																			

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media 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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	1-May-2006	19-May-2009	3.97	\$40	\$200	\$240
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs include the amount to perform a calibration test (\$100 per test) for the two well meters, calculated for the three years prior to the date of the investigation.

Approx. Cost of Compliance

\$200

TOTAL

\$240

Screening Date 23-Jun-2009	Docket No. 2009-0971-PWS-E	PCW	
Respondent Buchanan Lake Village, Inc.	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 37841	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No. RN101224888			
Media [Statute] Public Water Supply			
Enf. Coordinator Christopher Keffer			
Violation Number 5			
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)		
Violation Description	Failed to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has a combined capacity of 88 gpm. Based on 227 service connections, the system is required to provide a total well capacity of 136 gallons, which is a 35 percent deficiency.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Percent		10%	
>>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>			
Percent		0%	
Matrix Notes	Without adequate well capacity, customers of the Facility could experience water outages and low pressure problems and be exposed to a significant amount of contaminants that do not exceed levels protective of human health.		
Adjustment		\$900	
		\$100	
Violation Events			
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="36"/>	
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input checked="" type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input type="checkbox"/>	
Violation Base Penalty		\$100	
One quarterly event is recommended, calculated from the investigation date May 19, 2009, to the date of screening, June 23, 2009.			
Good Faith Efforts to Comply		0.0% Reduction	
		\$0	
		<small>Before NOV NOV to EOPRP/Settlement Offer</small>	
Extraordinary	<input type="checkbox"/>		<input type="checkbox"/>
Ordinary	<input type="checkbox"/>		<input type="checkbox"/>
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$100	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$3,471"/>		Violation Final Penalty Total <input type="text" value="\$179"/>	
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$179"/>	

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media 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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$25,000	7-Jul-2008	1-Jul-2010	1.98	\$165	\$3,306	\$3,471
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to meet a total well capacity of 0.8 gpm per connection, calculated from the date of the investigation initially documenting the violations to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$25,000	TOTAL	\$3,471
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Screening Date 23-Jun-2009 **Docket No.** 2009-0971-PWS-E **PCW**
Respondent Buchanan Lake Village, Inc. *Policy Revision 2 (September 2002)*
Case ID No. 37841 *PCW Revision October 30, 2008*
Reg. Ent. Reference No. RN101224988
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer
Violation Number 6
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(ii) and Tex. Health & Safety Code § 341.0315(c)
Violation Description
 Failed to provide a total storage capacity of 200 gallons per connection. Specifically, at the time of the investigation, it was documented that the Facility had 44,000 gallons of capacity. Based on 227 service connections, the system is required to provide a total storage capacity of 46,400 gallons of capacity, which is a 3% deficiency.
Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				5%
Potential			X	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes
 Without adequate storage capacity, customers of the Facility could experience water outages and be exposed to an insignificant amount of contaminants that would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 36 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty \$50

One single event is recommended.

Good Faith Efforts to Comply

	0.0% Reduction	
	Before NOV	NOV to EDFRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

\$0

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

Violation Subtotal \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$263

Violation Final Penalty Total \$90

This violation Final Assessed Penalty (adjusted for limits) \$90

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 37841
Reg. Ent. Reference No. RN101224988
Media: Public Water Supply
Violation No. 6

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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$3,010	1-Apr-2009	1-Jul-2010	1.25	\$13	\$251	\$263
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount to install a storage tank to meet a total storage capacity of 200 gallons per connection, calculated from the date of the initial record review documenting the violation to the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,010

TOTAL

\$263

Compliance History Report

Customer/Respondent/Owner-Operator:	CN600626675 Buchanan Lake Village, Inc.	Classification:	Rating:
Regulated Entity:	RN101224988 BUCHANAN LAKE VILLAGE	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1500003
	WATER LICENSING	LICENSE	1500003
Location:	512 Frazier Street, Llano County, Texas		
TCEQ Region:	REGION 11 - AUSTIN		
Date Compliance History Prepared:	June 17, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 17, 2004 to June 17, 2009		

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

Name: Christopher Keffer **Phone:** (512) 239-5610

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
- 6.

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: 08/29/2008	ADM:ORDER 2008-0285-PWS-E
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)	
5A THSC Chapter 341, SubChapter A 341.0315(c)	
Description: Failure to meet the service pumping capacity minimum requirement.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)	
5A THSC Chapter 341, SubChapter A 341.0315(c)	
Description: Failure to provide adequate service pump and pressure maintenance capacity.	

- 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	01/29/2008	(615145)
2	08/11/2008	(683170)
3	04/03/2009	(741079)
4	05/26/2009	(746221)

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

Date: 05/23/2006	(466835)	CN600626675	
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)		
	5A THSC Chapter 341, SubChapter A 341.0315(c)		
Description:	Failure to provide adequate service pump and pressure maintenance capacity.		
Date: 08/12/2008	(683170)	CN600626675	
Self Report?	NO	Classification:	Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.42(l)		
Description:	Failure to have a Plant Operations Manual.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)		
Description:	Failure to maintain records of the amount of chemicals used each week and the volume of water treated each week by the water system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)		
Description:	Failure to have records of customer service inspections performed within the system.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)		
Description:	Failure to have records of dead-end main flushing.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)		
Description:	Failure to obtain sanitary easements for the water system's wells.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(1)		
Description:	Failure to calibrate the water system's well meters at least once every three years.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)		
Description:	Failure to provide enough well capacity.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)		
Description:	Failure to provide enough total storage tank capacity.		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

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
BUCHANAN LAKE VILLAGE, INC.
RN101224988

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2009-0971-PWS-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Buchanan Lake Village, Inc. ("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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 512 Frazier Street, Llano County, Texas (the "Facility") that has approximately 227 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about May 31, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Eight Hundred Fifty-Six Dollars (\$856) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Six Hundred Eighty-Five Dollars (\$685) of the administrative penalty and One Hundred Seventy-One Dollars (\$171) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be

waived upon full compliance with the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. 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 the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner of the Facility, the Respondent is alleged to have:

1. Failed to provide an up-to-date plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1), as documented during an investigation conducted on May 19, 2009.
2. Failed ensure the Facility's operating records are available and accessible for review during an inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(A)(i)(III), 290.46(f)(3)(A)(ii)(III), 290.46(f)(3)(A)(iv) and 290.46(f)(3)(E)(iv), as documented during an investigation conducted on May 19, 2009.
3. Failed to secure sanitary control easements covering all property within 150 feet of the wells, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on May 19, 2009.
4. Failed to calibrate the Facility's well meters at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1), as documented during an investigation conducted on May 19, 2009.
5. Failed to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 19, 2009.

6. Failed to provide a total storage capacity of 200 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 19, 2009.

III. DENIALS

The Respondent generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve **only** the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Buchanan Lake Village, Inc., Docket No. 2009-0971-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, begin compiling and maintain properly completed monthly water works operation reports and maintenance records, including but not limited to: the amount of chemicals use each week, the volume of water treated each week, completed customer service inspection reports and dates that the dead-end mains were flushed, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 45 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
 - c. Within 60 days after the effective date of this Agreed Order:
 - i. Develop and begin maintaining an up-to-date and thorough plant operations manual for operator review and reference, in accordance with 30 TEX. ADMIN. CODE § 290.42;
 - ii. Obtain sanitary control easements or Commission approval of an exception to the easement requirement that covers the land within 150 feet of Well No. 1 (G1500003A) and Well No. 2 (G1500003B), as required by 30 TEX. ADMIN. CODE § 290.41; and

- iii. Properly calibrate the well meters at Well No. 1 (G1500003A) and Well No. 2 (G1500003B), as required by 30 TEX. ADMIN. CODE § 290.46.
- d. Within 75 days after the effective of this Agreed Order, submit written certification as described below in Ordering Provision 2.f. and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.
- e. Within 180 days after the effective date of this Agreed Order:
 - i. Provide a total storage capacity of 200 gallons per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45; and
 - ii. Provide a total well capacity of 0.6 gpm per connection, in accordance with 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 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 fines 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
Austin Regional Office
Texas Commission on Environmental Quality
2800 S IH 35, Suite 100
Austin, Texas 78704-5712

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. 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.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Buchanan Lake Village, Inc.
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Bralier
For the Executive Director

10/30/2009
Date

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

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

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

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

Betty Jo Carter
Signature

10-20-09
Date

BETTY JO CARTER
Name (Printed or typed)
Authorized Representative of
Buchanan Lake Village, Inc.

PRESIDENT
Title

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