EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1297-PWS-E **TCEQ ID:** RN101216620 **CASE NO.:** 36360

RESPONDENT NAME: The Grove Water Supply Corporation

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
X PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
__WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: The Grove WSC, located one mile north of Highway 36 on County Road 341, Coryell County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: __X__ Yes ____ No

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

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

COMMENTS RECEIVED: The *Texas Register* comm1ent period expired on January 19, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Yuliya Dunaway, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4077; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: Mr. Matt Winkler, President, The Grove Water Supply Corporation, 103 Robert H Evetts, Gatesville, Texas 76528
Mr. Justin Veazey, Manager, The Grove Water Supply Corporation, 103 Robert H Evetts, Gatesville, Texas 76528
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint _X_ Routine ___ Enforcement Follow-up ___ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** April 2, 2008 **Date of NOV/NOE Relating to this Case:** June 6, 2008 (NOE) **Background Facts:** This was a routine investigation. **WATER** 1) Failure to maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies [30 TEX. ADMIN. CODE § 290.46(n)(2)]. 2) Failure to properly install an air release device in the distribution system [30 TEX. ADMIN. CODE § 290.44(d)(1)]. 3) Failure to provide an intruder-resistant fence that is designed to protect the water system's pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.43(e)]. 4) Failure to provide a properly calibrated pressure indicator for the water system's standpipe [30 TEX. ADMIN. CODE § 290.43(c)(4)]. 5) Failure to plug abandoned Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to Water Well Drillers and Water Pump Installers) or to test it every five years to ensure that it is in a non-deteriorated condition [30 TEX. ADMIN. CODE § 290.46(u)]. 6) Failure to keep on file and make available for Commission review water system records [30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(E)(iv), 290.46(f)(3)(D)(ii), 290.46(f)(3)(B)(iii), and 290.46(f)(3)(A)(iv)].	**Total Assessed:** $2,265 **Total Deferred:** $453 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $1,812 **Site Compliance History Classification** **___ High ___ Average ___ Poor** **Person Compliance History Classification** **___ High ___ Average ___ Poor** **Major Source:** ___ Yes _X_ No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** The Executive Director recognizes that the Respondent has returned to compliance with the residual disinfectant concentration requirement as of November 23, 2007. **Ordering Provisions:** The Order will require the Respondent to: a. Within 30 days after the effective date of this Agreed Order: i. Develop and begin maintaining properly completed monthly water works operations reports, including but not limited to verification that the calcium hypochlorite, chlorine gas as chemical additives meet ANSI/NSF Standard 60, completed customer service inspection records, a wholesale purchase contract, sanitary easement for Well No. 1, chlorine residual monitoring logs, monthly flushing reports, and annual tank inspection forms; ii. Compile and begin maintaining a thorough plant operations manual; iii. Install a pressure gauge that is not less than three inches in diameter and calibrated in feet of water at not more than two foot intervals for the water system's standpipe; iv. Repair the broken barbed wire on the intruder-resistant fence and ensure that the barbed wire is extended outward at a 45 degree angle around the standpipe at the New Plant; and v. Implement procedures to ensure that boil water notifications are provided to the customers of the water supply. 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. c. Within 60 days after the effective date of this Agreed Order:

7) Failure to compile and maintain a thorough plant operations manual for operator review and reference [30 TEX. ADMIN. CODE § 290.42(l)]. 8) Failure to issue a boil water notification within 24 hours following a low disinfectant residual using the prescribed format, as specified in 30 TEX. ADMIN. CODE § 290.47(e) [30 TEX. ADMIN. CODE § 290.46(q)(1)]. 9) Failure to maintain a chloramine residual of 0.5 milligrams per liter throughout the distribution system at all times [30 TEX. ADMIN. CODE §§ 290.110(b)(4) and 290.46(d)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].		i. Develop and begin maintaining an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies; ii. Ensure that the air release device is installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants located near the New Plant; and iii. Plug Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 or prove that the well is in a non-deteriorated condition. d. Within 75 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 c.

Additional ID No(s).: PWS ID No. 0500023

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES						
Assigned	28-Jul-2008					
PCW	5-Aug-2008	Screening	8-Aug-2008	EPA Due		

RESPONDENT/FACILITY INFORMATION

Respondent	The Grove Water Supply Corporation		
Reg. Ent. Ref. No.	RN101216620		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36360	No. of Violations	9
Docket No.	2008-1297-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Yuliya Dunaway
		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*	$2,250
ADJUSTMENTS (+/-) TO SUBTOTAL 1		

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

Compliance History	4.0% Enhancement	*Subtotals 2, 3, & 7*	$90

Notes: The penalty enhancement is due to two prior dissimilar NOVs.

Culpability: No	0.0% Enhancement	*Subtotal 4*	$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	*Subtotal 5*	$75
Economic Benefit	0.0% Enhancement* *Subtotal 6*	$0

Total EB Amounts $497
Approx. Cost of Compliance $3,050
**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7	*Final Subtotal*	$2,265
OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0%	*Adjustment*	$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	$2,265
STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*	$2,265
DEFERRAL 20.0% Reduction *Adjustment*	-$453

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	$1,812

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Compliance History Worksheet

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

Component	Number of...	*Enter Number Here*	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	0	0%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of 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) 4%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is due to two prior dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 4%

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)

Violation Description Failed to maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies. Specifically, at the time of the investigation, it was documented that the water system's distribution map does not show the locations of the valves used in the system.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: Between 30-70% of the rule requirements were not met.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is 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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $130

Statutory Limit Test

Violation Final Penalty Total $52

This violation Final Assessed Penalty (adjusted for limits) $52

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$400	7-Nov-2002	1-May-2009	6.48	$130	n/a	$130
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 maintain an up-to-date distribution map, calculated from the date of the investigation the violation was initially documented 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: $400

TOTAL: $130

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.44(d)(1)

Violation Description Failed to properly install an air release device in the distribution system. Specifically, at the time of the investigation, it was documented that the air release device located near the New Plant was installed in a below ground vault.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Improper installation of the air release valve may create air locks in the line exposing the water system to a significant amount of contaminants which would not exceed levels that are protective to human health.

Adjustment $900

$100

Violation Events

Number of Violation Events 2 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $200

Two quarterly events are recommended from the date of the investigation, April 2, 2008, to the date of screening, August 8, 2008.

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 $200

Economic Benefit (EB) for this violation

Estimated EB Amount $23

Statutory Limit Test

Violation Final Penalty Total $208

This violation Final Assessed Penalty (adjusted for limits) $208

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$300	2-Apr-2008	1-May-2009	1.08	$1	$22	$23
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 costs include the amount to properly install the air vent on the automatic air release valve to prevent the possibility of submergence, 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				0.00	$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 $300

TOTAL $23

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 290.43(e)

Violation Description Failed to provide an intruder-resistant fence that is designed to protect the water system's pressure maintenance facilities. Specifically, at the time of the investigation, it was documented that the barbed wire on the fence at the New Plant did not extend outward at a 45 degree angle and had one broken strand of wire.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to provide a proper intruder-resistant fence for the system storage tanks may allow persons to enter and damage the tanks exposing customers of the water system to an insignificant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 — 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is 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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $52

This violation Final Assessed Penalty (adjusted for limits) $52

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Item Description	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	$300	2-Apr-2008	1-Apr-2009	1.00	$1	$20	$21
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 costs include the amount to repair the broken barbed wire on the system's intruder-resistant fence and extend it outward at a 45 degree angle, 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				0.00	$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 $300

TOTAL $21

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.43(c)(4)

Violation Description Failed to provide a properly calibrated pressure indicator for the water system's standpipe. Specifically, at the time of the investigation, it was documented that the pressure gauge indicator for the standpipe gave readings per square inch; however, pressure gauges must be calibrated in feet of water.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Failure to have a properly calibrated pressure gauge indicator on the standpipe can contribute to inadequate water supply because the operator cannot make the necessary usage and production calculations to ensure a continuous and safe water supply.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 | 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is 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 $50

Economic Benefit (EB) for this violation

Estimated EB Amount $21

Statutory Limit Test

Violation Final Penalty Total $52

This violation Final Assessed Penalty (adjusted for limits) $52

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
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	$300	2-Apr-2008	1-Apr-2009	1.00	$1	$20	$21
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: The delayed costs include the amount to install a properly calibrated pressure gauge indicator on the water system's standpipe, 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				0.00	$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 $300

TOTAL $21

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 5

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

Violation Description Failed to plug abandoned Well No. 1 with cement according to 16 Tex. Admin. Code ch. 76 (relating to Water Well Drillers and Water Well Pump Installers) or to test it every five years to ensure that it is in a non-deteriorated condition.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: If the abandoned well is not properly plugged or tested every five years, customers of the water supply could be exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment $750

$250

Violation Events

Number of Violation Events 5 | 128 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,250

Five monthly events are recommended from the date of the investigation, April 2, 2008, to the date of screening, August 8, 2008.

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 $1,250

Economic Benefit (EB) for this violation

Estimated EB Amount $76

Statutory Limit Test

Violation Final Penalty Total $1,300

This violation Final Assessed Penalty (adjusted for limits) $1,300

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
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
	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	$1,000	2-Apr-2008	1-May-2009	1.08	$4	$72	$76
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 costs include the amount to plug Well No. 1 with cement or to test it to ensure that it is in non-deteriorated condition, 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				0.00	$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 $1,000

TOTAL $76

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 36360

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 6

Rule Cite(s) 30 Tex. Admin. Code § 290.46(f)(2), 290.46(f)(3)(E)(iv), 290.46(f)(3)(D)(ii), 290.46(f)(3)(B)(iii) and 290.46(f)(3)(A)(iv)

Violation Description Failed to keep on file and make available for Commission review water system records. Specifically, at the time of the investigation, it was documented that system personnel failed to provide the following records for review: American National Standard Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60 certification for the calcium hypochlorite disinfectant and chlorine, completed Customer Service Inspection records, a Wholesale Purchase Contract, annual tank inspection reports, sanitary easement for Well No. 1, chlorine residual monitoring logs for February 2007, April 2007 and May 2007, and monthly flushing reports.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
		x	

Percent 5%

Matrix Notes: Approximately 30% of the rule requirments were not met.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 — 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is 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 $50

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

Estimated EB Amount $17

Violation Final Penalty Total $52

This violation Final Assessed Penalty (adjusted for limits) $52

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
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
	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	$350	2-Apr-2008	1-Apr-2009	1.00	$17	n/a	$17
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 keep on file and make all water system records available for review, 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				0.00	$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: $350

TOTAL: $17

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 7

Rule Cite(s) 30 Tex. Admin. Code § 290.42(l)

Violation Description Failed to compile and maintain a thorough plant operations manual for operator review and reference.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $900

$100

Violation Events

1 — 128 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

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 $10

Statutory Limit Test

Violation Final Penalty Total $104

This violation Final Assessed Penalty (adjusted for limits) $104

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$200	2-Apr-2008	1-Apr-2009	1.00	$10	n/a	$10
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
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 DELAYED costs: The delayed costs include the amount to prepare and maintain a plant operations manual, calculated from the date of the investigation to the estimated date of compliance.

Notes for AVOIDED costs:

Approx. Cost of Compliance: $200

TOTAL: $10

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 8

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

Violation Description Failed to issue a boil water notification within 24 hours following a low disinfectant residual using the prescribed format as specified in 30 Tex. Admin. Code § 290.47(e). Specifically, at the time of the investigation, it was documented that the Respondent did not issue a boil water notice after having documented a low disinfectant residual on November 7-8, 2007 and November 22, 2007.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

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

Adjustment $900

$100

Violation Events

2 — 2 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

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 $200

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $208

This violation Final Assessed Penalty (adjusted for limits) $208

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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				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]	$100	7-Nov-2007	22-Nov-2007	0.00	$0	$100	$100
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs	The avoided costs include the amount required to provide a boil water notice to all customers of the water supply, calculated for the days when the violation occurred.						

Approx. Cost of Compliance: $100

TOTAL: $100

Screening Date 8-Aug-2008 **Docket No.** 2008-1297-PWS-E **PCW**

Respondent The Grove Water Supply Corporation *Policy Revision 2 (September 2002)*

Case ID No. 36360 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN101216620

Media [Statute] Public Water Supply

Enf. Coordinator Yuliya Dunaway

Violation Number 9

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 maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") throughout the distribution system at all times. Specifically, at the time of the investigation, it was noted that the system's chlorine residual logs documented chlorine residuals level on November 7, 2007, November 8, 2007 and November 22, 2007 to be 0.4 mg/L, 0.3 mg/L and 0.2 mg/L, respectively.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: 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 $900

$100

Violation Events

Number of Violation Events 3 | 3 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events are recommended.

Good Faith Efforts to Comply

25.0% Reduction $75

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	x	
N/A		(mark with x)

Notes: The Respondent achieved compliance as of November 23, 2007.

Violation Subtotal $225

Economic Benefit (EB) for this violation

Estimated EB Amount $100

Statutory Limit Test

Violation Final Penalty Total $237

This violation Final Assessed Penalty (adjusted for limits) $237

Economic Benefit Worksheet

Respondent The Grove Water Supply Corporation
Case ID No. 36360
Reg. Ent. Reference No. RN101216620
Media Public Water Supply
Violation No. 9

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]	$100	7-Nov-2007	23-Nov-2007	0.00	$0	$100	$100
Other (as needed)				0.00	$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 initial date of noncompliance to the date of compliance.						

Approx. Cost of Compliance: $100

TOTAL: $100

Compliance History

Customer/Respondent/Owner-Operator:	CN600653018	The Grove Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101216620	THE GROVE WSC	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0500023	
	WATER LICENSING	LICENSE	0500023	
Location:	ONE MILE N OF HWY 36 ON CR 341, CORYELL, COUNTY, TX			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	August 04, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	August 04, 2003 to August 04, 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.

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

1 09/30/2003 (27199)
2 07/15/2007 (645202)
3 10/01/2007 (645845)
4 06/10/2008 (640996)

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

Date: 07/15/2007 (645202)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
Description: BACT - MONITORING/REPORTING VIOLATIONS
Date: 10/01/2007 (645845)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(b)(1)(A)
Description: PUBLIC NOTICE

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
THE GROVE WATER SUPPLY	§	
CORPORATION	§	
RN101216620	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1297-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 The Grove 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 appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply one mile north of Highway 36 on County Road 341, Coryell County, Texas (the "Facility") that has approximately 335 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 June 11, 2008.

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 Two Thousand Two Hundred Sixty-Five Dollars ($2,265) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Thousand Eight Hundred Twelve Dollars ($1,812) of the administrative penalty and Four Hundred Fifty-Three Dollars ($453) 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 recognizes that the Respondent has returned to compliance with the residual disinfectant concentration requirement as of November 23, 2007.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to maintain an up-to-date distribution map so that valves and mains may be easily located during emergencies, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2), as documented during an investigation conducted on April 2, 2008.

2. Failed to properly install an air release device in the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.44(d)(1), as documented during an investigation conducted on April 2, 2008.

3. Failed to provide an intruder-resistant fence that is designed to protect the water system's pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.43(e), as documented during an investigation conducted on April 2, 2008.

4. Failed to provide a properly calibrated pressure indicator for the water system's standpipe, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(4), as documented during an investigation conducted on April 2, 2008.

5. Failed to plug abandoned Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 (relating to Water Well Drillers and Water Pump Installers) or to test it every five years to ensure that it is in a non-deteriorated condition, in violation of 30 TEX. ADMIN. CODE § 290.46(u), as documented during an investigation conducted on April 2, 2008.

6. Failed to keep on file and make available for Commission review water system records, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), 290.46(f)(3)(E)(iv), 290.46(f)(3)(D)(ii), 290.46(f)(3)(B)(iii) and 290.46(f)(3)(A)(iv), as documented during an investigation conducted on April 2, 2008.

7. Failed to compile and maintain a thorough plant operations manual for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(l), as documented during an investigation conducted on April 2, 2008.

8. Failed to issue a boil water notification within 24 hours following a low disinfectant residual using the prescribed format as specified in 30 TEX. ADMIN. CODE § 290.47(e), in violation of 30 TEX. ADMIN. CODE § 290.46(q)(1), as documented during an investigation conducted on April 2, 2008.

9. Failed to maintain a chloramine residual of 0.5 milligrams per liter ("mg/L") 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), as documented during an investigation conducted on April 2, 2008.

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: The Grove Water Supply Corporation, Docket No. 2008-1297-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:

      i. Develop and begin maintaining properly completed monthly water works operations reports, including but not limited to verification that the calcium hypochlorite, chlorine gas as chemical additives meet ANSI/NSF Standard 60,

completed customer service inspection records, a wholesale purchase contract, sanitary easement for Well No. 1, chlorine residual monitoring logs, monthly flushing reports and annual tank inspection forms, as required by 30 TEX. ADMIN. CODE § 290.46;

ii. Compile and begin maintaining a thorough plant operations manual, as required by 30 TEX. ADMIN. CODE § 290.42;

iii. Install a pressure gauge that is not less than three inches in diameter and calibrated in feet of water at not more than two foot intervals for the water system's standpipe, as required by 30 TEX. ADMIN. CODE § 290.43;

iv. Repair the broken barbed wire on the intruder-resistant fence and ensure that the barbed wire is extended outward at a 45 degree angle around the standpipe at the New Plant, as required by 30 TEX. ADMIN. CODE § 290.43; and

v. Implement procedures to ensure that boil water notifications are provided to the customers of the water supply, 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.d 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. Develop and begin maintaining an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies, as required by 30 TEX. ADMIN. CODE § 290.46;

ii. Ensure that the air release device is installed in such a manner as to preclude the possibility of submergence or possible entrance of contaminants located near the New Plant, as required by 30 TEX. ADMIN. CODE § 290.44; and

iii. Plug Well No. 1 with cement according to 16 TEX. ADMIN. CODE ch. 76 or prove that the well is in a non-deteriorated condition, as required by 30 TEX. ADMIN. CODE § 290.46.

d. Within 75 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.c. 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. 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 agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadler
For the Executive Director

1/23/2009
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.

Signature

11-10-08
Date

Justin Veazey
Name (Printed or typed)
Authorized Representative of
The Grove Water Supply Corporation

Manager
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.