

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1532-PWS-E **TCEQ ID:** RN101217008 **CASE NO.:** 36568

RESPONDENT NAME: Bosqueville Green Acres Water Supply Corporation

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
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: Bosqueville Green Acres WSC, located on Farm-to-Market Road 1637 behind 2313 Gary Lane, McLennan County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 February 23, 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: Mr. Billy A. Stafford, President, Bosqueville Green Acres Water Supply Corporation, 2417 Gary Lane, Waco, Texas 76708 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: July 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: August 29, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to provide a well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2005-0480-PWS-E, Ordering Provision 2.a.].</p> <p>2) Failure to compile a thorough plant operations manual and keep it up-to-date for operator review and reference [30 TEX. ADMIN. CODE § 290.42(1)].</p> <p>3) Failure to calibrate the Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>4) Failure to operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license [30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a)].</p>	<p>Total Assessed: \$1,474</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,474</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>Findings Orders Justification: This is a Findings Order because the case involves a violation of a prior Agreed Order. When the Respondent failed to comply with the prior Agreed Order, the Respondent demonstrated an indifference to legal duty.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On August 1, 2008, installed a new water meter on the system's well;</p> <p>b. On August 11, 2008, the Facility hired a licensed water works operator who holds a Class "D" license; and</p> <p>c. On September 22, 2008, submitted a complete plant operations manual.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, provide a well capacity of 0.6 gpm per connection; and</p> <p>b. 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 a.</p>

Additional ID No(s): PWS 1550080

Penalty Calculation Worksheet (PCW)

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

TCEQ DATES	Assigned	2-Sep-2008			
	PCW	22-Sep-2008	Screening	19-Sep-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	Bosqueville Green Acres Water Supply Corporation
Reg. Ent. Ref. No.	RN101217008
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION	
Enf./Case ID No.	36568
Docket No.	2008-1532-PWS-E
Media Program(s)	Public Water Supply
Multi-Media	
No. of Violations	4
Order Type	Findings
Government/Non-Profit	Yes
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 \$1,260
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	
Compliance History	20.0% Enhancement Subtotals 2, 3, & 7 \$252
Notes	Enhancement is due to one agreed final enforcement order containing a denial of liability.
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 \$38	
Economic Benefit	0.0% Enhancement* Subtotal 6 \$0
Total EB Amounts	\$2,489
Approx. Cost of Compliance	\$8,450
*Capped at the Total EB \$ Amount	
SUM OF SUBTOTALS 1-7	Final Subtotal \$1,474
OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment \$0
Reduces or enhances the Final Subtotal by the indicated percentage.	
Notes	
Final Penalty Amount \$1,474	
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$1,474
DEFERRAL	0.0% Reduction Adjustment \$0
Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)	
Notes	No deferral is recommended for Findings Orders.
PAYABLE PENALTY	\$1,474

Screening Date 19-Sep-2008

Docket No. 2008-1532-PWS-E

PCW

Respondent Bosqueville Green Acres Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 36568

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101217008

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 <i>(number of NOVs meeting criteria)</i>	0	0%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 20%

>> **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 agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 20%

Screening Date 19-Sep-2008 **Docket No.** 2008-1532-PWS-E **PCW**
Respondent Bosqueville Green Acres Water Supply Corporation *Policy Revision 2 (September 2002)*
Case ID No. 36568 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101217008
Media [Statute] Public Water Supply
Enf. Coordinator Christopher Keffer

Violation Number
Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i), Tex. Health & Safety Code § 341.0315(c), and TCEQ Agreed Order Docket No. 2005-0480-PWS-E, Ordering Provision 2.a.
Violation Description
 Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 65 connections, the Facility should be providing a minimum well capacity of 39 gpm. The Facility currently provides a well capacity of only 25 gpm, which is a 36% deficiency.
Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failing to provide sufficient well capacity, customers of the Facility could experience water shortages, exposing the customers to significant amount of contaminants which would not exceed levels that are protective of human health.
Adjustment

\$100

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Eleven quarterly events are recommended, calculated from the effective date of TCEQ Agreed Order Docket No. 2005-0480-PWS-E, February 20, 2006, to the date of case screening, September 19, 2008.

Good Faith Efforts to Comply 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)

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

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

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: Bosqueville Green Acres Water Supply Corporation

Case ID No.: 36568

Reg. Ent. Reference No.: RN101217008

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$5,000	20-Feb-2006	1-Jun-2009	3.28	\$55	\$1,093	\$1,148
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 increase the well capacity to 0.6 gpm per connection, calculated from the effective date of TCEQ Agreed Order Docket No. 2005-0480-PWS-E, to the estimated date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.00	\$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	\$5,000	TOTAL	\$1,148
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Screening Date 19-Sep-2008	Docket No. 2008-1532-PWS-E	PCW		
Respondent Bosqueville Green Acres Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36568		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101217008				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(l)			
Violation Description	Failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference. Specifically, at the time of the investigation, the plant operations manual did not have emergency telephone numbers.			
	Base Penalty	<input type="text" value="\$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	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
		Percent	<input type="text" value="1%"/>	
Matrix Notes	Less than 10% of the rule requirement was not met.			
	Adjustment	<input type="text" value="\$990"/>		
		<input type="text" value="\$10"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="65"/>	Number of violation days
mark only one with an x	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
	Violation Base Penalty	<input type="text" value="\$10"/>		
	One single event is recommended.			
Good Faith Efforts to Comply				
	<input type="text" value="10.0%"/>	Reduction	<input type="text" value="\$1"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	
N/A	<input type="text"/>	(mark with x)		
Notes	Submitted a complete plant operations manual on September 22, 2008.			
	Violation Subtotal	<input type="text" value="\$9"/>		
Economic Benefit (EB) for this violation				
Statutory Limit Test				
	Estimated EB Amount	<input type="text" value="\$2"/>	Violation Final Penalty Total	<input type="text" value="\$11"/>
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$11"/>

Economic Benefit Worksheet

Respondent Bosqueville Green Acres Water Supply Corporation
Case ID No. 36568
Reg. Ent. Reference No. RN101217008
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				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)	\$200	16-Jul-2008	22-Sep-2008	0.19	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost to compile and maintain a plant operations manual. Date required is the date of the investigation.
 Final date is the 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

\$200	TOTAL	\$2
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Screening Date 19-Sep-2008	Docket No. 2008-1532-PWS-E	PCW		
Respondent Bosqueville Green Acres Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36568		<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101217008				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)			
Violation Description	Failed to calibrate the Facility's well meter at least once every three years.			
	Base Penalty	<input type="text" value="\$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 checked="" type="checkbox"/>
			Percent	<input type="text" value="5%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
			Percent	<input type="text" value="0%"/>
Matrix Notes	Failure to calibrate the well meter could possibly contribute to an inadequate water supply because the operator cannot make the necessary production and usage calculations to ensure a continuous and safe water supply.			
	Adjustment	<input type="text" value="\$950"/>		
		<input type="text" value="\$50"/>		
Violation Events				
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days	<input type="text" value="65"/>
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
			Violation Base Penalty	<input type="text" value="\$50"/>
One single event is recommended.				
Good Faith Efforts to Comply		25.0%	Reduction	<input type="text" value="\$12"/>
		Before NOV	NOV to EDRP/Settlement Offer	
	Extraordinary	<input type="text"/>	<input type="text"/>	
	Ordinary	<input checked="" type="checkbox"/>	<input type="text"/>	
	N/A	<input type="text"/>	(mark with x)	
Notes	Submitted compliance documentation that a new water meter was installed on August 1, 2008.			
			Violation Subtotal	<input type="text" value="\$38"/>
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$60"/>	Violation Final Penalty Total	<input type="text" value="\$48"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$48"/>

Economic Benefit Worksheet

Respondent: Bosqueville Green Acres Water Supply Corporation
Case ID No.: 36568
Reg. Ent. Reference No.: RN101217008
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
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]	\$50	16-Jul-2005	1-Aug-2008	3.96	\$10	\$50	\$60
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount to have the well meter calibrated. The date required is three years prior to the investigation. The final date is the date of compliance.

Approx. Cost of Compliance

\$50

TOTAL

\$60

Screening Date 19-Sep-2008	Docket No. 2008-1532-PWS-E	PCW		
Respondent Bosqueville Green Acres Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 36568	<i>PCW Revision June 12, 2008</i>			
Reg. Ent. Reference No. RN101217008				
Media [Statute] Public Water Supply				
Enf. Coordinator Christopher Keffer				
Violation Number <input type="text" value="4"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(e)(4)(A) and Tex. Health & Safety Code § 341.033(a)"/>			
Violation Description	<input type="text" value="Failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class 'D' or higher license. Specifically, at the time of the investigation, it was documented that the Facility's water operator's license expired on March 25, 2008."/>			
Base Penalty		<input type="text" value="\$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"/>	x	<input type="text"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>			<input type="text"/>	<input type="text"/>
			Percent <input type="text" value="0%"/>	
Matrix Notes	<input type="text" value="Failure to continuously operate the Facility under the direct supervision of an adequately trained and appropriately licensed water works operator may result in poor plant operation and expose the public to significant amounts of pollutants which would exceed levels protective of human health."/>			
Adjustment			<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="26"/>		
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>	
	monthly	x		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
<input type="text" value="One monthly event is recommended calculated from the investigation date, July 16, 2008, to the date of compliance, August 11, 2008."/>				
Good Faith Efforts to Comply		25.0% Reduction	<input type="text" value="\$25"/>	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	x	<input type="text"/>		
N/A	<input type="text"/>	(mark with x)		
Notes	<input type="text" value="Submitted compliance documentation that a licensed water works operator who holds a Class 'D' license was hired on August 11, 2008."/>			
Violation Subtotal			<input type="text" value="\$75"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$1,280"/>	Violation Final Penalty Total	<input type="text" value="\$95"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$95"/>	

Economic Benefit Worksheet

Respondent: Bosqueville Green Acres Water Supply Corporation
Case ID No.: 36568
Reg. Ent. Reference No.: RN101217008
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
<small>No commas or \$</small>							

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	\$3,200	25-Mar-2008	11-Aug-2008	0.38	\$61	\$1,219	\$1,280
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

The avoided cost includes the amount to obtain a valid public water system operator license. The date required is the date the water operator's license expired. The final date is the date of compliance.

Approx. Cost of Compliance

\$3,200

TOTAL

\$1,280

Compliance History

Customer/Respondent/Owner-Operator: CN600659221 Bosqueville Green Acres Water Supply Corporation Classification: Rating:

Regulated Entity: RN101217008 BOSQUEVILLE GREEN ACRES WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550080
 WATER LICENSING LICENSE 1550080

Location: Farm-to-Market Road 1637 behind 2313 Gary Lane in McLennan County, Texas

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: September 09, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 09, 2003 to September 09, 2008

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 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 Effective Date: 02/20/2006 ADMINORDER 2005-0480-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(iii)

Description: Failed to keep on file and make available for Commission review disinfectant residual monitoring results from the distribution system for the previous three years.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)

Description: Failed to provide a well capacity of 0.6 gallons per minute per connection.

Classification: Minor

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

Description: Failed to keep on file and make available for Commission review a record of operations for the previous two years.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121(b)(1)

Description: Failed to keep on file and make available for Commission review an up-to-date microbiological monitoring plan.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)

Description: Failed to keep on file and make available for Commission review a plant operations manual.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failed to equip the water storage tank with a water level indicator.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failed to properly seal the hypochlorination solution container.

Classification: Minor

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

Description: Failed to keep a supply of calcium hypochlorite on hand for use when making repairs, setting meters and disinfecting new mains prior to placing them in service.

Classification: Minor

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

Description: Failed to complete customer service inspection certificates prior to providing continuous

water service to new construction, on any service either when the water purveyor has reason to believe that cross-connections or other potential contamination hazards.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)

Description: Failed to conduct annual inspections of the ground storage tank and the pressure tank.

Classification: Moderate

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

Description: Failed to make available a record of plumbing ordinance or service agreement with customers to insure that neither cross-connections nor other unacceptable plumbing practices are permitted.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 02/14/2005 (347226)

2

N/A 08/29/2008 (686441)

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	TEXAS COMMISSION ON
BOSQUEVILLE GREEN ACRES WATER	§	
SUPPLY CORPORATION	§	
RN101217008	§	ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-1532-PWS-E**

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

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a public water supply located at Farm-to-Market Road 1637 behind 2313 Gary Lane in McLennan County, Texas (the “Facility”) that has approximately 65 service connections and serves at least 25 people per day for at least 60 days per year.

2. During an investigation conducted on July 16, 2008, TCEQ staff documented that the Respondent did not provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, with 65 connections, the Facility should be providing a minimum well capacity of 39 gpm. The Facility currently provides a well capacity of only 25 gpm, which is a 36% deficiency.
3. During an investigation conducted on July 16, 2008, TCEQ staff documented that the Respondent did not compile a thorough plant operations manual and keep it up-to-date for operator review and reference. Specifically, at the time of the investigation, the plant operations manual did not have emergency telephone numbers.
4. During an investigation conducted on July 16, 2008, TCEQ staff documented that the Respondent did not calibrate the Facility's well meter at least once every three years.
5. During an investigation conducted on July 16, 2008, TCEQ staff documented that the Respondent did not operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license. Specifically, at the time of the investigation, it was documented that the water station's water operator's license expired on March 25, 2008.
6. The Respondent received notice of the violations on September 3, 2008.
7. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. On August 1, 2008, installed a new water meter on the system's well;
 - b. On August 11, 2008, the Facility hired a licensed water works operator who holds a Class "D" license; and
 - c. On September 22, 2008, submitted a complete plant operations manual.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2, the Respondent failed to provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i), TEX. HEALTH & SAFETY CODE § 341.0315(c), and TCEQ Agreed Order Docket No. 2005-0480-PWS-E, Ordering Provision 2.a.
3. As evidenced by Findings of Fact No. 3, the Respondent failed to compile a thorough plant operations manual and keep it up-to-date for operator review and reference, in violation of 30 TEX. ADMIN. CODE § 290.42(1).

4. As evidenced by Findings of Fact No. 4, the Respondent failed to calibrate the Facility's well meter at least once every three years, in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
5. As evidenced by Findings of Fact No. 5, the Respondent failed to operate the Facility at all times under the direct supervision of a water works operator who holds a Class "D" or higher license, in violation of 30 TEX. ADMIN. CODE § 290.46(e)(4)(A) and TEX. HEALTH & SAFETY CODE § 341.033(a).
6. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of One Thousand Four Hundred Seventy-Four Dollars (\$1,474) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Four Hundred Seventy-Four Dollar (\$1,474) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Four Hundred Seventy-Four Dollars (\$1,474) as set forth in Section II, Paragraph 7 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Bosqueville Green Acres Water Supply Corporation, Docket No. 2008-1532-PWS-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The Respondent shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, provide a well capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45;

- b. Within 195 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas (“OAG”) for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

6. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Allen
For the Executive Director

1/27/2009
Date

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

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

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

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

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

Bill A. Starob
Signature

12-2-08
Date

Bill A. Starob
Name (Printed or typed)
Authorized Representative of
Bosqueville Green Acres Water Supply Corporation

President
Title

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

