

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

**DOCKET NO.: 2008-1488-PWS-E TCEQ ID: RN101254407 CASE NO.: 36524
RESPONDENT NAME: HIGHLAND PARK WATER SUPPLY CORPORATION**

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input checked="" 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 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

SITE WHERE VIOLATION(S) OCCURRED: One half mile northwest of the intersection of County Roads 3590 and 3570 on County Road 3590 near Valley Mills, Bosque County

TYPE OF OPERATION: Public water system

SMALL BUSINESS: 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 expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 1, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari L. Gilbreth, Litigation Division, MC 175, (512) 239-1320
Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019

TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Water Enforcement Section, MC 169, (512) 239-1482

TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (325) 761-3001

Respondent: Mr. Richard Hamblin, President, Highland Park Water Supply Corporation, P.O. Box 500
Chilton, Texas 76632-0500

Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: August 21, 2008</p> <p>Date of NOE Relating to this Case: September 12, 2008</p> <p>Background Facts: The EDPRP was filed on February 17, 2009 and mailed to the Respondent via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt "green card," the Respondent received notice of the EDPRP on February 20, 2009 as evidenced by the signature on the card. The Respondent failed to answer the EDPRP, failed to request a hearing, and failed to schedule a settlement conference.</p> <p>Current Compliance Status: The Respondent is not yet in compliance.</p> <p>PWS:</p> <ol style="list-style-type: none"> Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. Failed to provide a sanitary control easement covering all land within 150 feet of the well [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. Failed to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection, information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)]. 	<p>Total Assessed: \$1,008</p> <p>Total Deferred: \$0</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$1,008</p> <p>This is a Default Order. The Respondent has not actually paid any of the assessed penalty but will be required to do so under the terms of this Order.</p> <p>Site Compliance History Classification N/A</p> <p>Person Compliance History Classification N/A</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 60 days: <ol style="list-style-type: none"> Conduct annual inspections of all the Facility's ground tank and pressure tanks, as well as inspect the interior of all the Facility's pressure tanks; Calibrate the well meter; and Post a legible sign at the pump station that contains the full and accurate name of the water system. Within 90 days: <ol style="list-style-type: none"> Submit written certification and include supporting documentation to demonstrate compliance with Ordering Provision No. 1.a. through 1.c.; Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well; and Provide a copy of the well completion data for the well. Within 105 days, submit written certification and include supporting documentation to demonstrate compliance with Ordering Provision Nos. 2.b. and 2.c. Within 180 days: <ol style="list-style-type: none"> Provide two or more wells having capacity of 0.6 gallons per minute ("gpm") per connection; and Provide a minimum of two service pumps with a minimum capacity of 2.0 gpm per connection. Within 195 days, submit written certification and include supporting documentation to demonstrate compliance with Ordering Provision Nos. 4.a. and 4.b.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to perform an annual inspection of the Facility's ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)].</p> <p>6. Failed to conduct an annual inspection of the water Facility's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>7. Failed to calibrate the water Facility's well meter at least once every three years [30 TEX. ADMIN. CODE § 290.46(s)(1)].</p> <p>8. Failed to maintain a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted [30 TEX. ADMIN. CODE § 290.46(t)].</p>		



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 12, 2008

DATES	Assigned	8-Sep-2008	Screening	15-Sep-2008	EPA Due	
	PCW	3-Dec-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	Highland Park Water Supply Corporation		
Reg. Ent. Ref. No.	RN101254407		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	36524	No. of Violations	8
Docket No.	2008-1488-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Andrea Linson-Mgbeodur
		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 <input type="text" value="\$960"/>

ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	5.0% Enhancement Subtotals 2, 3, & 7 <input type="text" value="\$48"/>

Notes: Enhancement is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

Culpability	No	0.0% Enhancement Subtotal 4	<input type="text" value="\$0"/>
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	<input type="text" value="\$0"/>
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Economic Benefit	0.0% Enhancement* Subtotal 6	<input type="text" value="\$0"/>
<small>Total EB Amounts</small> <input type="text" value="\$2,523"/>	<small>*Capped at the Total EB \$ Amount</small>	
<small>Approx. Cost of Compliance</small> <input type="text" value="\$11,400"/>		

SUM OF SUBTOTALS 1-7	Final Subtotal	<input type="text" value="\$1,008"/>
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0% Adjustment	<input type="text" value="\$0"/>
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	<input type="text" value="\$1,008"/>
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DEFERRAL	0.0% Reduction Adjustment	<input type="text" value="\$0"/>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: Deferral not offered for non-expedited settlement.

PAYABLE PENALTY	<input type="text" value="\$1,008"/>
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Screening Date 15-Sep-2008

Docket No. 2008-1488-PWS-E

PCW

Respondent Highland Park Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 36524

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101254407

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

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

Adjustment Percentage (Subtotal 2) 5%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

Enhancement is due to one prior Notice of Violation with same or similar violations as those in the current enforcement action.

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

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW	
Respondent Highland Park Water Supply Corporation	<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36524	<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101254407			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number	1		
Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and Tex. Health & Safety Code § 341.0315(c)		
Violation Description	Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the record review, it was documented that the water system currently provides 130 gpm versus the required 135 gpm, which is a 4% deficiency.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	Potential	x
		Percent	5%
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
		Percent	0%
Matrix Notes	Inadequate well capacity could result in water outages and backflow problems resulting in an insignificant amount of contaminants entering the water supply which would not exceed levels protective of human health.		
Adjustment		\$950	
			\$50
Violation Events			
Number of Violation Events		1	25
		Number of violation days	
<small>mark only one with an x</small>	daily	[]	Violation Base Penalty \$50
	monthly	[]	
	quarterly	[]	
	semiannual	[]	
	annual	[]	
	single event	x	
One single event is recommended.			
Good Faith Efforts to Comply		0.0% Reduction	\$0
		<small>Before NOV NOV to EDRP/Settlement Offer</small>	
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 \$940		Violation Final Penalty Total \$53	
		This violation Final Assessed Penalty (adjusted for limits) \$53	

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
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
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	24-Jan-2007	30-Sep-2009	2.68	\$45	\$895	\$940
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to provide a well capacity of 0.6 gpm per connection. The date required is the date originally documenting the violation. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL
\$5,000 \$940

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW																			
Respondent Highland Park Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>																			
Case ID No. 36524		<small>PCW Revision June 12, 2008</small>																			
Reg. Ent. Reference No. RN101254407																					
Media [Statute] Public Water Supply																					
Enf. Coordinator Andrea Linson-Mgbeoduru																					
Violation Number <input type="text" value="2"/>																					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.45(b)(1)(C)(iii) and Tex. Health & Safety Code § 341.0315(c)"/>																				
Violation Description	<input type="text" value="Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, at the time of the record review, it was documented that the water system currently provides 300 gpm versus the required 448 gpm, which is a 33% deficiency."/>																				
	Base Penalty	<input type="text" value="\$1,000"/>																			
>> Environmental, Property and Human Health Matrix																					
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th colspan="3">Harm</th> <td></td> </tr> <tr> <td>Release</td> <td>Major</td> <td>Moderate</td> <td>Minor</td> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td style="text-align: center;">x</td> <td><input type="text"/></td> <td style="text-align: right;">Percent <input type="text" value="10%"/></td> </tr> </table>		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%"/>
	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																					
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Falsification</th> <th>Major</th> <th>Moderate</th> <th>Minor</th> <td></td> </tr> <tr> <td>Actual</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td></td> </tr> <tr> <td>Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table>		Falsification	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>		Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>		
	Falsification	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>																	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>																
Matrix Notes	<input type="text" value="Inadequate service pump capacity could result in water outages and backflow problems exposing customers of the water supply to a significant amount of contaminants that would not 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"/>	<input type="text" value="25"/> Number of violation days																			
<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td>daily</td> <td><input type="text"/></td> </tr> <tr> <td>monthly</td> <td><input type="text"/></td> </tr> <tr> <td>quarterly</td> <td style="text-align: center;">x</td> </tr> <tr> <td>semiannual</td> <td><input type="text"/></td> </tr> <tr> <td>annual</td> <td><input type="text"/></td> </tr> <tr> <td>single event</td> <td><input type="text"/></td> </tr> </table>	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 <input type="text" value="\$100"/>							
daily	<input type="text"/>																				
monthly	<input type="text"/>																				
quarterly	x																				
semiannual	<input type="text"/>																				
annual	<input type="text"/>																				
single event	<input type="text"/>																				
	<input type="text" value="One quarterly event is recommended, calculated from the file review date, August 21, 2008, to the screening date, September 15, 2008."/>																				
Good Faith Efforts to Comply	<input type="text" value="0.0%"/> Reduction	<input type="text" value="\$0"/>																			
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <th>Before NOV</th> <th>NOV to EDRP/Settlement Offer</th> </tr> <tr> <td>Extraordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>Ordinary</td> <td><input type="text"/></td> <td><input type="text"/></td> </tr> <tr> <td>N/A</td> <td style="text-align: center;">x</td> <td style="text-align: center;">(mark with x)</td> </tr> </table>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary	<input type="text"/>	<input type="text"/>	Ordinary	<input type="text"/>	<input type="text"/>	N/A	x	(mark with x)								
	Before NOV	NOV to EDRP/Settlement Offer																			
Extraordinary	<input type="text"/>	<input type="text"/>																			
Ordinary	<input type="text"/>	<input type="text"/>																			
N/A	x	(mark with x)																			
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																				
	Violation Subtotal	<input type="text" value="\$100"/>																			
Economic Benefit (EB) for this violation																					
	Estimated EB Amount <input type="text" value="\$940"/>	Statutory Limit Test																			
		Violation Final Penalty Total <input type="text" value="\$105"/>																			
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$105"/>																				

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	24-Jan-2007	30-Sep-2009	2.68	\$45	\$895	\$940
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs
 The delayed cost includes the amount necessary provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. The date required is the date originally documenting the violation. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

\$5,000	\$940
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Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW	
Respondent Highland Park Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 36524	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101254407			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="3"/>			
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(1)(F)		
Violation Description	Failed to provide a sanitary control easement covering all land within 150 feet of the well.		
Base Penalty		<input type="text" value="\$1,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="text" value="x"/>
Percent			<input type="text" value="5%"/>
>> Programmatic Matrix			
Falsification			
Major Moderate Minor			
<input type="text"/>			
Percent			<input type="text" value="0%"/>
Matrix Notes	Failure to secure sanitary control easements could expose customers of the water supply to insignificant amounts of pollutants which would not exceed levels that are protective of human health.		
Adjustment			<input type="text" value="\$950"/>
			<input type="text" value="\$50"/>
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="25"/>
		Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="text" value="x"/>	
One single event is recommended.			<input type="text" value="\$50"/>
Good Faith Efforts to Comply		0.0% Reduction	<input type="text" value="\$0"/>
		Before NOV NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="text" value="x"/>	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal			<input type="text" value="\$50"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$24"/>	Violation Final Penalty Total	<input type="text" value="\$53"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$53"/>

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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)	\$400	23-Apr-2008	30-Jun-2009	1.19	\$24	n/a	\$24

Notes for DELAYED costs: The delayed cost includes the amount necessary to secure a sanitary control easement covering land within 150 feet of the well. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

Disposal				0.00	\$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 \$24

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW												
Respondent Highland Park Water Supply Corporation	<i>Policy Revision 2 (September 2002)</i>													
Case ID No. 36524	<i>PCW Revision June 12, 2008</i>													
Reg. Ent. Reference No. RN101254407														
Media [Statute] Public Water Supply														
Enf. Coordinator Andrea Linson-Mgbeoduru														
Violation Number <input type="text" value="4"/>														
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(n)(3)"/>													
Violation Description	Failed to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection, information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service. Specifically, at the time of the record review, it was documented that the well driller's log for Well No. 1 (G0180071A) was not available for review.													
	Base Penalty	<input type="text" value="\$1,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	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%"/>
Release	Major	Moderate	Minor											
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>											
>> Programmatic Matrix														
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	Falsification	Major	Moderate	Minor	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>				
Falsification	Major	Moderate	Minor											
<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>											
Matrix Notes	<input type="text" value="Failed to meet 100% of the rule requirement."/>													
	Adjustment	<input type="text" value="\$900"/>												
		<input type="text" value="\$100"/>												
Violation Events														
	Number of Violation Events <input type="text" value="1"/>	<input type="text" value="25"/> Number of violation days												
mark only one with an x	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input checked="" type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input checked="" type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$100"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input checked="" type="text" value="x"/>													
	<input type="text" value="One single event is recommended."/>													
Good Faith Efforts to Comply														
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">0.0% Reduction</td> <td style="text-align: right;"><input type="text" value="\$0"/></td> </tr> <tr> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/ Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input checked="" type="text" value="x"/> (mark with x)</td> </tr> </table>	0.0% Reduction	<input type="text" value="\$0"/>	Before NOV	NOV to EDRP/ Settlement Offer	Extraordinary	<input type="text"/>	Ordinary	<input type="text"/>	N/A	<input checked="" type="text" value="x"/> (mark with x)			
0.0% Reduction	<input type="text" value="\$0"/>													
Before NOV	NOV to EDRP/ Settlement Offer													
Extraordinary	<input type="text"/>													
Ordinary	<input type="text"/>													
N/A	<input checked="" type="text" value="x"/> (mark with x)													
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>													
	Violation Subtotal	<input type="text" value="\$100"/>												
Economic Benefit (EB) for this violation														
	Estimated EB Amount <input type="text" value="\$85"/>	Statutory Limit Test												
		Violation Final Penalty Total <input type="text" value="\$105"/>												
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$105"/>													

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
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
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No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	24-Jan-2007	30-Jun-2009	2.43	\$4	\$81	\$85
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs The delayed cost includes the amount necessary to obtain the required well completion data. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$85
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Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW																
Respondent Highland Park Water Supply Corporation		<i>Policy Revision 2 (September 2002)</i>																
Case ID No. 36524		<i>PCW Revision June 12, 2008</i>																
Reg. Ent. Reference No. RN101254407																		
Media [Statute] Public Water Supply																		
Enf. Coordinator Andrea Linson-Mgbeoduru																		
Violation Number <input type="text" value="5"/>																		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)(A)"/>																	
Violation Description	<input type="text" value="Failed to perform an annual inspection of the Facility's ground storage tank."/>																	
	Base Penalty	<input type="text" value="\$1,000"/>																
>> Environmental, Property and Human Health Matrix																		
OR	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> </tr> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>		Harm				Major	Moderate	Minor	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Harm																	
	Major	Moderate	Minor															
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>															
>> Programmatic Matrix																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> </tr> <tr> <td style="text-align: center;">Falsification</td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>		Major	Moderate	Minor	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>								
	Major	Moderate	Minor															
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>															
Matrix Notes	<input type="text" value="Failure to perform annual inspections of the storage tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would not exceed levels that are 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"/>	<input type="text" value="25"/> Number of violation days																
mark only one with an x	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td style="text-align: center;">daily</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">monthly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">quarterly</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">semiannual</td> <td style="text-align: center;"><input type="text"/></td> </tr> <tr> <td style="text-align: center;">annual</td> <td style="text-align: center;"><input checked="" type="text" value="x"/></td> </tr> <tr> <td style="text-align: center;">single event</td> <td style="text-align: center;"><input type="text"/></td> </tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input checked="" type="text" value="x"/>	single event	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>				
daily	<input type="text"/>																	
monthly	<input type="text"/>																	
quarterly	<input type="text"/>																	
semiannual	<input type="text"/>																	
annual	<input checked="" type="text" value="x"/>																	
single event	<input type="text"/>																	
	<input type="text" value="One annual event is recommended, calculated for the 12 months prior to the record review."/>																	
Good Faith Efforts to Comply																		
	0.0% Reduction	<input type="text" value="\$0"/>																
	Before NOV NOV to EDRP/Settlement Offer																	
Extraordinary	<input type="text"/>	<input type="text"/>																
Ordinary	<input type="text"/>	<input type="text"/>																
N/A	<input checked="" type="text" value="x"/>	(mark with x)																
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>																	
	Violation Subtotal	<input type="text" value="\$100"/>																
Economic Benefit (EB) for this violation																		
Statutory Limit Test																		
Estimated EB Amount	<input type="text" value="\$106"/>	Violation Final Penalty Total <input type="text" value="\$105"/>																
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$105"/>																	

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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	\$100	20-Aug-2007	21-Aug-2008	1.01	\$5	\$101	\$106
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 costs include the amount to have the storage tanks inspected. The date required is the 12 months preceeding the record review. The final date is the record review date.

Approx. Cost of Compliance

\$100

TOTAL

\$106

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW			
Respondent Highland Park Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 36524		<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN101254407					
Media [Statute] Public Water Supply					
Enf. Coordinator Andrea Linson-Mgbeoduru					
Violation Number <input type="text" value="6"/>					
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(m)(1)(B)"/>				
Violation Description	<input type="text" value="Failed to conduct an annual inspection of the water Facility's pressure tank. In addition, the Facility had not inspected the inside of the pressure tank within the prior five years."/>				
	Base Penalty	<input type="text" value="\$1,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Release	Harm			
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="25%"/>
>> 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	<input type="text" value="Failure to perform annual inspections of the pressure tanks could result in non-detection of tank defects that could expose customers of the water supply to significant amounts of contaminants which would exceed levels that are protective of human health."/>				
	Adjustment	<input type="text" value="\$750"/>			
		<input type="text" value="\$250"/>			
Violation Events					
	Number of Violation Events	<input type="text" value="2"/>	<input type="text" value="25"/>	Number of violation days	
	<small>mark only one with an x</small>	daily	<input type="text"/>		
		monthly	<input type="text"/>		
		quarterly	<input type="text"/>		
		semiannual	<input type="text"/>		
		annual	<input type="text"/>		
		single event	x		
		Violation Base Penalty <input type="text" value="\$500"/>			
	<input type="text" value="Two single events are recommended, based on one event for each inspection."/>				
Good Faith Efforts to Comply					
		<input type="text" value="0.0%"/>	Reduction		<input type="text" value="\$0"/>
		<small>Before NOV</small>	<small>NOV to EDRP/Settlement Offer</small>		
	Extraordinary	<input type="text"/>	<input type="text"/>		
	Ordinary	<input type="text"/>	<input type="text"/>		
	N/A	x	<small>(mark with x)</small>		
	Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
		Violation Subtotal <input type="text" value="\$500"/>			
Economic Benefit (EB) for this violation					
	Estimated EB Amount	<input type="text" value="\$365"/>			Statutory Limit Test
		Violation Final Penalty Total <input type="text" value="\$525"/>			
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$525"/>			

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				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	\$100	21-Aug-2007	21-Aug-2008	1.00	\$5	\$100	\$105
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$200	21-Aug-2003	21-Aug-2008	5.92	\$59	\$200	\$259
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided cost includes the amount necessary to perform annual inspections of the system's pressure tank, as well as to inspect the interior of the pressure tanks. The date required for the interior inspection of the pressure tank is five years preceding the record review date. The final date is the record review date. The date required for the annual inspection is the 12 months preceding the record review date. The final date is the record review date.

Approx. Cost of Compliance \$300

TOTAL \$365

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW	
Respondent Highland Park Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 36524		<small>PCW Revision June 12, 2008</small>	
Reg. Ent. Reference No. RN101254407			
Media [Statute] Public Water Supply			
Enf. Coordinator Andrea Linson-Mgbeoduru			
Violation Number <input type="text" value="7"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(s)(1)"/>		
Violation Description	<input type="text" value="Failed to calibrate the the water 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	Release	Harm	
		Major Moderate Minor	
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	<input type="text" value="Failure to calibrate well meters 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			
	<input type="text" value="1"/>	<input type="text" value="25"/>	Number of violation days
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$50"/>
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input checked="" type="checkbox"/>	
	<input type="text" value="One single event is recommended."/>		
Good Faith Efforts to Comply			
	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)	
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>		
	Violation Subtotal		<input type="text" value="\$50"/>
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="\$53"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$53"/>

Economic Benefit Worksheet

Respondent Highland Park Water Supply Corporation
Case ID No. 36524
Reg. Ent. Reference No. RN101254407
Media Public Water Supply
Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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]				0.00	\$0	\$0	\$0
Other (as needed)	\$50	21-Aug-2005	21-Aug-2008	3.92	\$10	\$50	\$60

Notes for AVOIDED costs

The avoided cost includes the amount to have the well meters calibrated (\$50 per meter). The date required is three years prior to the record review. The final date is the date of the record review.

Approx. Cost of Compliance

\$50

TOTAL

\$60

Screening Date 15-Sep-2008	Docket No. 2008-1488-PWS-E	PCW		
Respondent Highland Park Water Supply Corporation		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 36524		<small>PCW Revision June 12, 2008</small>		
Reg. Ent. Reference No. RN101254407				
Media [Statute] Public Water Supply				
Enf. Coordinator Andrea Linson-Mgbeoduru				
Violation Number <input type="text" value="8"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(t)"/>			
Violation Description	<input type="text" value="Failed to maintain a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, at the time of the record review, it was documented that the water Facility's name was not included on the sign posted at the pump station."/>			
	Base Penalty	<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Release	Harm		
		Major Moderate Minor		
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<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" value="x"/>	Percent <input type="text" value="1%"/>
Matrix Notes	<input type="text" value="Less than 5% of the rule requirement was not met."/>			
	Adjustment	<input type="text" value="\$990"/>		
		<input type="text" value="\$10"/>		
Violation Events				
	<input type="text" value="1"/>	<input type="text" value="25"/>	Number of violation days	
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$10"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text" value="x"/>		
	<input type="text" value="One single event is recommended."/>			
Good Faith Efforts to Comply				
	<input type="text" value="0.0%"/>	Reduction	<input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	x	(mark with x)		
Notes	<input type="text" value="The Respondent does not meet the good faith criteria for this violation."/>			
	Violation Subtotal	<input type="text" value="\$10"/>		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount	<input type="text" value="\$5"/>	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 Highland Park Water Supply Corporation
Case ID No. 38524
Reg. Ent. Reference No. RN101254407
Media Public Water Supply
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$50	26-Jun-2007	31-May-2009	1.93	\$5	n/a	\$5

Notes for DELAYED costs The delayed costs includes the amount to repair or replace the sign at the water supply. The date required is the date of the investigation initially documenting the violation. The final date is the estimated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

\$50	\$5
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Compliance History

Customer/Respondent/Owner-Operator:	CN600684401 Highland Park Water Supply Corporation	Classification:	Rating:
Regulated Entity:	RN101254407 HIGHLAND PARK WATER CORP	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0180071
	WATER LICENSING	LICENSE	0180071
Location:	0.5 Mi NW OF THE INTERSECTION OF COUNTY ROAD 3590 & 3570 ON COUNTY ROAD 3590, NEAR VALLEY MILLS, BOSQUE COUNTY, TEXAS		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	September 14, 2008		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 08, 2003 to September 08, 2008		

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

Name: Andrea Linson-Mgbeoduru Phone: 512-239-1482

Site Compliance History Components

- | | |
|--|------------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes |
| 2. Has there been a (known) change in ownership of the site during the compliance period? | No |
| 3. If Yes, who is the current owner? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
N/A
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)
 - Date: 02/20/2007 (537590)
 - Self Report? NO Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)
5A THC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failure to provide adequate pressure maintenance capacity.
 - Self Report? NO Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
5A THC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failure to provide adequate well capacity.
 - Self Report? NO Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 - Description: Failure to initiate a maintenance program to ensure the reliability and general appearances of all regulated facilities and reduce costly repairs due to a lack of proper maintenance.
 - Self Report? NO Classification: Major
 - Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
 - Description: Failure to provide a sanitary easement covering all property within 150 feet of the well.
 - Self Report? NO Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)

Description: Failure to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane, specifically the water system is required 448 GPM compared to the provided 300 GPM.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(3)

Description: Failure to maintain copies of well driller's log for as long as the well remains in service.

Self Report? NO Classification: Minor

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

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

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

Description: Failure to inspect the standpipe storage tank and pressure tank at least annually, including interior of the pressure tank every 5 years.

Self Report? NO Classification: Minor

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

Description: Failure to calibrate well meter at least once every three years, specifically well, G0180071A, probably last calibrated in 2003.

Self Report? NO Classification: Minor

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

Description: Failure to have a proper water system's ownership sign posted at the pump station, specifically the sign needed to include the water system's name.

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HIGHLAND PARK WATER
SUPPLY CORPORATION;
RN101254407**

§
§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

DEFAULT ORDER DOCKET NO. 2008-1488-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality, (“Commission” or “TCEQ”) considered the Executive Director’s Preliminary Report and Petition filed pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ, which requests appropriate relief, including the imposition of an administrative penalty and corrective action of the respondent. The respondent made the subject of this Order is Highland Park Water Supply Corporation (“Highland Park”).

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

FINDINGS OF FACT

1. Highland Park owns and operates a public water system located approximately one half mile northwest of the intersection of County Roads 3590 and 3570 on County Road 3590 near Valley Mills, Bosque County, Texas (the “Facility”).
2. The Facility has approximately 244 service connections and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. During a record review conducted on August 21, 2008, a TCEQ Waco Regional Office investigator documented that Highland Park:
 - a. Failed to provide a well capacity of 0.6 gallons per minute (“gpm”) per connection. Specifically, at the time of the record review, it was documented that the water system currently provides 130 gpm versus the required 135 gpm, which is a 4% deficiency.

- b. Failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane. Specifically, at the time of the record review, it was documented that the water system currently provides 300 gpm versus the required 448 gpm, which is a 33% deficiency.
 - c. Failed to provide a sanitary control easement covering all land within 150 feet of the well.
 - d. Failed to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection, information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service. Specifically, at the time of the record review, it was documented that the well driller's log for Well No. 1 (G01870071A) was not available for review.
 - e. Failed to perform an annual inspection of the Facility's ground storage tank.
 - f. Failed to conduct an annual inspection of the water Facility's pressure tank. In addition, the Facility had not inspected the inside of the pressure tank within the prior five years.
 - g. Failed to calibrate the water Facility's well meter at least once every three years.
 - h. Failed to maintain a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted. Specifically, at the time of the record review, it was documented that the water Facility's name was not included on the sign posted at the pump station.
4. Highland Park received notice of the violations on or about September 17, 2008.
5. The Executive Director filed the "Executive Director's Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Highland Park Water Supply Corporation" (the "EDPRP") in the TCEQ Chief Clerk's office on February 17, 2009.

6. By letter dated February 17, 2009, sent via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Highland Park with notice of the EDPRP. According to the return receipt "green card", Highland Park received notice of the EDPRP on February 20, 2009 as evidenced by the signature on the card.
7. More than 20 days have elapsed since Highland Park received notice of the EDPRP, provided by the Executive Director. Highland Park failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, Highland Park 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 Finding of Fact No. 3.a., Highland Park 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) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. As evidenced by Finding of Fact No. 3.b., Highland Park failed to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
4. As evidenced by Finding of Fact No. 3.c., Highland Park failed to provide a sanitary control easement covering all land within 150 feet of the well in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F).
5. As evidenced by Finding of Fact No. 3.d., Highland Park failed to maintain copies of well completion data such as well material setting data, geological log, scaling information (pressure cementing and surface protection), disinfection, information, microbiological sample results, and a chemical analysis report of a representative sample of water from the well kept on file as long as the well remains in service in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
6. As evidenced by Finding of Fact No. 3.e., Highland Park failed to perform an annual inspection of the Facility's ground storage tank in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(A).

7. As evidenced by Finding of Fact No. 3.f., Highland Park failed to conduct an annual inspection of the water Facility's pressure tank in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B). In addition, the Facility had not inspected the inside of the pressure tank within the prior five years.
8. As evidenced by Finding of Fact No. 3.g., Highland Park failed to calibrate the water Facility's well meter at least once every three years in violation of 30 TEX. ADMIN. CODE § 290.46(s)(1).
9. As evidenced by Finding of Fact No. 3.h., Highland Park failed to maintain a legible sign at each production, treatment and storage facility that includes the name of the water supply and an emergency telephone number where a responsible official can be contacted in violation of 30 TEX. ADMIN. CODE § 290.46(t).
10. As evidenced by Finding of Fact Nos. 5 and 6, the Executive Director timely served Highland Park with proper notice of the EDP RP, as required by TEX. WATER CODE § 7.055 and 30 TEX. ADMIN. CODE § 70.104(a).
11. As evidenced by Finding of Fact No. 7, Highland Park failed to file a timely answer as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.105. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.106, the Commission may enter a Default Order against Highland Park and assess the penalty recommended by the Executive Director.
12. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Highland Park for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
13. An administrative penalty in the amount of one thousand eight dollars (\$1,008.00) is justified by the facts recited in this Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b).
14. TEX. WATER CODE §§ 5.102 and 7.002 authorize the Commission to issue orders and make determinations necessary to effectuate the purposes of the statutes within its jurisdiction.

ORDERING PROVISIONS

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

1. Highland Park is assessed an administrative penalty in the amount of one thousand eight dollars (\$1,008.00) for violations of state statutes and TCEQ rules. The payment of this administrative penalty and Highland Park's compliance with all the terms and conditions set forth in this Order completely resolve the matters set forth by this Order in this action. The Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations which are not raised here. All checks submitted to pay the penalty imposed by this Order shall be made out to the "Texas Commission on Environmental Quality". The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order and shall be sent with the notation "Re: Highland Park Water Supply Corporation; Docket No. 2008-1488-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. Highland Park shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Order, Highland Park shall:
 - i. Conduct annual inspections of all the Facility's ground tank and pressure tanks, as well as inspect the interior of all the Facility's pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - ii. Calibrate the well meter, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - iii. Post a legible sign at the pump station that contains the full and accurate name of the water system, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 90 days after the effective date of this Order, Highland Park shall:
 - i. Submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs,

receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a.i. through 2.a.iii.

- ii. Obtain a sanitary control easement that covers the land within 150 feet of the Facility's well, in accordance with 30 TEX. ADMIN. CODE § 290.41.
 - iii. Provide a copy of the well completion data for the well, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- c. Within 105 days after the effective date of this Order, Highland Park shall submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.b.ii. and 2.b.iii.
- d. Within 180 days after the effective date of this Order, Highland Park shall:
- i. Provide two or more wells having a total capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
 - ii. Provide a minimum of two service pumps with a minimum capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 195 days after the effective date of this Order, Highland Park shall submit written certification as described in Ordering Provision No. 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.d.i. and 2.d.ii.
- f. The certifications required by Ordering Provision Nos. 2.b.i., 2.c. and 2.e., shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Highland Park. Highland Park is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.
5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by Highland Park shall be made in writing to the Executive Director. Extensions are not effective until Highland Park receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 Highland Park if the Executive Director determines that Highland Park has not complied with one or more of the terms or conditions in this Order.
7. This Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Order, whichever is later.
8. The Chief Clerk shall provide a copy of this Order to each of the parties. By law, the effective date of this Order shall be the date the Order is final, as provided by 30 TEX. ADMIN. CODE § 70.106(d) and TEX. GOV'T CODE § 2001.144.

Highland Park Water Supply Corporation
Docket No. 2008-1488-PWS-E
Page 8

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

AFFIDAVIT OF KARI L. GILBRETH

STATE OF TEXAS §
 §
COUNTY OF TRAVIS §

“My name is Kari L. Gilbreth. I am of sound mind, capable of making this affidavit, and the facts stated in this affidavit are within my personal knowledge and are true and correct.

On behalf of the Executive Director of the Texas Commission on Environmental Quality, I filed the “Executive Director’s Preliminary Report and Petition Recommending that the Texas Commission on Environmental Quality Enter an Enforcement Order Assessing an Administrative Penalty Against and Requiring Certain Actions of Highland Park Water Supply Corporation” (the “EDPRP”) was filed with the Office of the Chief Clerk on February 17, 2009.

I sent the EDPRP to Highland Park at its last known address on February 17, 2009 via certified mail, return receipt requested, and via first class mail, postage prepaid. According to the return receipt “green card”, Highland Park received notice of the EDPRP on February 20, 2009, as evidenced by the signature on the card.

More than 20 days have elapsed since Highland Park received notice of the EDPRP. Highland Park failed to file an answer, failed to request a hearing, and failed to schedule a settlement conference”.



Kari L. Gilbreth
Attorney
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Kari L. Gilbreth, known to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that she executed the same for the purposes and consideration herein expressed.

Given under my hand and seal of office this 1st day of April, A.D., 2009.



Notary Signature