

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 checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL 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 August 24, 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 Bureson, 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 EDP RP was filed on February 17, 2009. The Respondent failed to answer the EDP RP and the case was scheduled for a default order on the June 3, 2009, agenda. Prior to the scheduled agenda date the Respondent contacted the Litigation Attorney and requested an agreed order, which was signed on June 26, 2009.</p> <p>Current Compliance Status: The Respondent corrected violation nos. 2, 4, 5, 6, and 7. The Respondent has not yet submitted documentation to certify compliance with the remaining technical requirements.</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 maintain copies of well completion data such as well material setting data, geological log, sealing 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)]. Failed to perform an annual inspection of the Facility's ground storage tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(A)]. 	<p>Total Assessed: \$997</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 Paid/Due to General Revenue: \$197/\$800</p> <p>The Respondent paid \$197 of the administrative penalty. The remaining amount of \$800 shall be payable in 8 monthly payments of \$100 each.</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>Corrective Actions Taken: The Executive Director recognizes that the Respondent provided documentation on June 3, 2009, verifying it performed the following corrective actions at the Facility:</p> <ol style="list-style-type: none"> Conducted an annual inspection of all the Facility's ground storage tanks. Inspected the exterior of all of the Facility's pressure tanks. Calibrated the well meter. Posted a legible sign at the system pump station. Installed two service pumps and indicated that each pump has a capacity of 250 gpm. <p>Ordering Provisions:</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Within 60 days, conduct an inspection of the interior of all the Facility's pressure tanks. Within 90 days: <ol style="list-style-type: none"> Submit written certification to demonstrate compliance with Ordering Provision No. 1; and Submit a copy of the well completion data for the well. Within 105 days, submit written certification to demonstrate compliance with Ordering Provision No. 2.ii. Within 180 days, provide two or more wells having capacity of 0.6 gallons per minute ("gpm") per connection. Within 195 days, submit written certification to demonstrate compliance with Ordering Provision No. 4.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to conduct an annual inspection of the Facility's pressure tank [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)].</p> <p>6. 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>7. 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	4-Jun-2009				

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	7
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-Mgbeoduru
		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	\$950
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	5.0% Enhancement	Subtotals 2, 3, & 7	\$47
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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	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
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Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$2,499
Approx. Cost of Compliance	\$11,000

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$997
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$997

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$997
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DEFERRAL	0.0%	Reduction	Adjustment	\$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	\$997
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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		<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	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	Number of violation days		25		
mark only one with an x	daily	monthly	quarterly	semiannual	annual	Violation Base Penalty \$50	
	single event	x					
	One single event is recommended.						
	Good Faith Efforts to Comply						\$0
			0.0% Reduction				
			Before NOV	NOV to EDRP/Settlement Offer			
Extraordinary							
Ordinary							
N/A	x	(mark with x)					
Notes	The Respondent does not meet the good faith criteria for this violation.						
Violation Subtotal					\$50		
Economic Benefit (EB) for this violation			Statutory Limit Test				
Estimated EB Amount		\$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
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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.

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	\$5,000	TOTAL	\$940
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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	Harm	
	Release	Major Moderate Minor
	Actual	<input type="text"/>
	Potential	<input type="text" value="x"/>
Percent		<input type="text" value="10%"/>
>> Programmatic Matrix		
	Falsification	Major Moderate Minor
	<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>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text" value="x"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>
Violation Base Penalty		<input type="text" value="\$100"/>
<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
	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input type="text" value="x"/>	<input type="text" value="(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="\$940"/>	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 <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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.

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

\$5,000

TOTAL

\$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	3			
Rule Cite(s)	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		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
Percent				0%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
Percent				10%
Matrix Notes	Failed to meet 100% of the rule requirement.			
Adjustment				\$900
				\$100
Violation Events				
Number of Violation Events		1	Number of violation days	
		25		
<small>mark only one with an x</small>	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	x	\$100		
One single event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction		\$0
		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				\$100
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$85	Violation Final Penalty Total	
				\$105
This violation Final Assessed Penalty (adjusted for limits)				\$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.: 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

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)	\$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)

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

\$500

TOTAL

\$85

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	4		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(A)		
Violation Description	Failed to perform an annual inspection of the Facility's ground storage tank.		
Base Penalty		\$1,000	
>> Environmental, Property and Human Health Matrix			
OR	Release	Harm	
		Major Moderate Minor	
	Actual	Potential	Percent 10%
	[] [] []	[] [x] []	
>> Programmatic Matrix			
	Falsification	Major Moderate Minor	
	[] [] []	[] [] []	Percent 0%
Matrix Notes	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		\$900	
			\$100
Violation Events			
Number of Violation Events	1	Number of violation days	25
<small>mark only one with an x</small>	daily	monthly	Violation Base Penalty \$100
	quarterly	semiannual	
	annual	single event	
	[] [] []	[] [x] []	
	[] [] []	[] [] []	
One annual event is recommended, calculated for the 12 months prior to the record review.			
Good Faith Efforts to Comply			\$0
0.0% Reduction			
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	[] []	[] []	
Ordinary	[] []	[] []	
N/A	[x] []	(mark with x)	
Notes	The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal		\$100	
Economic Benefit (EB) for this violation			Statutory Limit Test
Estimated EB Amount	\$106	Violation Final Penalty Total	\$105
This violation Final Assessed Penalty (adjusted for limits)			\$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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

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 preceding 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	5			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B)			
Violation Description	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		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	25%	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Percent	0%	
Matrix Notes	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		\$750		
			\$250	
Violation Events				
Number of Violation Events		2	Number of violation days	
		25		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input checked="" type="checkbox"/>		
	single event	<input type="checkbox"/>		
Two single events are recommended, based on one event for each inspection.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		<small>Before NOV NOV to EDPRP/Settlement Offer</small>		
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	<small>(mark with x)</small>		
Notes	The Respondent does not meet the good faith criteria for this violation.			
Violation Subtotal		\$500		
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		\$365	Violation Final Penalty Total	
			\$525	
This violation Final Assessed Penalty (adjusted for limits)			\$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.: 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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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 preceeding the record review date. The final date is the record review date. The date required for the annual inspection is the 12 months preceeding 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		<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="6"/>																		
Rule Cite(s)	30 Tex. Admin. Code § 290.46(s)(1)																	
Violation Description	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	<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>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>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>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 checked="" type="text" value="x"/></td> </tr> </table>		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="text" value="x"/>	Percent <input type="text" value="5%"/>
	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="text" value="x"/>															
>> Programmatic Matrix																		
	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr> <td></td> <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></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> <td style="text-align: center;"><input type="text"/></td> </tr> </table>		Falsification	Major	Moderate	Minor		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>						
	Falsification	Major	Moderate	Minor														
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>														
Matrix Notes	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																		
	Number of Violation Events <input type="text" value="1"/>	Number of violation days <input type="text" value="25"/>																
<i>mark only one with an x</i>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="text"/></td></tr> <tr><td>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="\$50"/>				
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"/>																	
	One single event is recommended.																	
Good Faith Efforts to Comply																		
	0.0% Reduction	<input type="text" value="\$0"/>																
	Before NOV NOV to EDPRP/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																		
	Estimated EB Amount	<input type="text" value="\$60"/>																
Statutory Limit Test																		
	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.: 6

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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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
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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	7			
Rule Cite(s)	30 Tex. Admin. Code § 290.46(t)			
Violation Description	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		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	5%
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
>> Programmatic Matrix				
Falsification			Percent	
Major	Moderate	Minor		
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	0%	
Matrix Notes	Less than 5% of the rule requirement was not met.			
Adjustment			\$950	
			\$50	
Violation Events				
		1	25	
		Number of violation days		
<small>mark only one with an x</small>	daily	<input type="checkbox"/>	Violation Base Penalty	
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input checked="" type="checkbox"/>	\$50		
One single event is recommended.				
Good Faith Efforts to Comply		0.0% Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(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	\$5	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. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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.

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

\$50

TOTAL

\$5

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? | N/A |
| 4. If Yes, who was/were the prior owner(s)? | N/A |
| 5. When did the change(s) in ownership occur? | N/A |

Components (Multimedia) for the Site :

A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

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

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

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Highland Park Water Supply Corporation ("Highland Park") under the authority of HEALTH & SAFETY CODE ch. 341 and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Highland Park, appear before the Commission and together stipulate that:

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. This Agreed Order is entered into pursuant to TEX. HEALTH & SAFETY CODE § 341.049. The Commission has jurisdiction of this matter pursuant to TEX. HEALTH & SAFETY CODE § 341.031 because it alleges violations of TEX. HEALTH & SAFETY CODE ch. 341 and TCEQ rules.
3. The Commission and Highland Park agree that the Commission has jurisdiction to enter this Agreed Order, and that Highland Park is subject to the Commission's jurisdiction.
4. Highland Park received notice of the violations alleged in Section II ("Allegations") on or about September 17, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Highland Park of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of nine hundred ninety-seven dollars (\$997.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Highland Park paid one hundred ninety-seven dollars (\$197.00) of the administrative penalty. The remaining amount of eight hundred dollars (\$800.00) of the administrative penalty shall be payable in 8 monthly payments of one hundred dollars (\$100.00) each, pursuant to 30 TEX. ADMIN. CODE § 70.9(a). The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Highland Park fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Highland Park's failure to meet the payment schedule of this Agreed Order constitutes the failure by Highland Park to timely and satisfactorily comply with all of the terms of this Agreed Order.
7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Highland Park agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Highland Park implemented the following corrective measures at the Facility in response to this enforcement action:
 - a. On June 3, 2009, Highland Park provided documentation verifying it conducted an annual inspection of all the Facility's ground storage tanks.
 - b. On June 3, 2009, Highland Park provided documentation verifying it inspected the exterior of all the Facility's pressure tanks.
 - c. On June 3, 2009, Highland Park provided documentation that it calibrated the well meter.
 - d. On June 3, 2009, Highland Park provided documentation that it posted a legible sign at the system pump station that contains the full and accurate name of the water system.

- e. On June 3, 2009, Highland Park provided photographic documentation that it has installed two service pumps, and indicated that each pump has a capacity of 250 gpm.
- 10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Highland Park has not complied with one or more of the terms or conditions in this Agreed Order.
- 11. 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.
- 12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

- 1. During a record review conducted on August 21, 2008, a TCEQ Waco Regional Office investigator documented that Highland Park violated:
 - a. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to provide a well capacity of 0.6 gallons per minute ("gpm") per connection.
 - b. 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c) by failing to provide two or more pumps having a total capacity of 2.0 gpm per connection at each pump station or pressure plane.
 - c. 30 TEX. ADMIN. CODE § 290.46(n)(3) by failing 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.
 - d. 30 TEX. ADMIN. CODE § 290.46(m)(1)(A) by failing to perform an annual inspection of the Facility's ground storage tank.
 - e. 30 TEX. ADMIN. CODE § 290.46(m)(1)(B) by failing to conduct an annual inspection

of the Facility's pressure tank. In addition, the Facility had not inspected the inside of the pressure tank within the prior five years.

- f. 30 TEX. ADMIN. CODE § 290.46(s)(1) by failing to calibrate the Facility's well meter at least once every three years.
- g. 30 TEX. ADMIN. CODE § 290.46(t) by failing 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.

III. DENIALS

Highland Park generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Highland Park pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Highland Park's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" 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 Agreed Order, Highland Park shall conduct an annual inspection of the interior of all the Facility's pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
 - b. Within 90 days after the effective date of this Agreed Order, Highland Park shall:

- i. Submit written certification as described in paragraph 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a.; and
 - ii. 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 Agreed Order, Highland Park shall submit written certification as described in paragraph 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.b.ii.
- d. Within 180 days after the effective date of this Agreed Order, Highland Park shall provide two or more wells having a total capacity of 0.6 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45.
- e. Within 195 days after the effective date of this Agreed Order, Highland Park shall submit written certification as described in paragraph 2.f. below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.d.
- 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

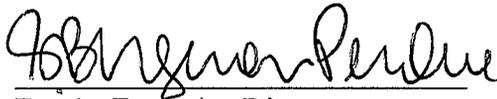
3. The provisions of this Agreed Order shall apply to and be binding upon Highland Park. Highland Park is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension 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 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.
5. This Agreed Order, issued by the Commission, shall not be admissible against Highland Park in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Agreed Order to Highland Park, or

three days after the date on which the Commission mails notice of the Order to Highland Park, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/10/2009

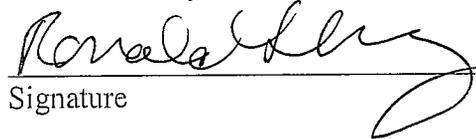
Date

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

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

- A negative impact on Highland Park's compliance history;
- Greater scrutiny of any permit applications submitted by Highland Park;
- 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 against Highland Park;
- Automatic referral to the Attorney General's Office of any future enforcement actions against Highland Park; and
- TCEQ seeking other relief as authorized by law.

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



Signature

06-26-09

Date

Ronald Lemay

Name (Printed or typed)

President, Board

Title

Authorized representative of
Highland Park Water Supply Corporation