

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2009-2014-PWS-E **TCEQ ID:** RN101439933 **CASE NO.:** 38837  
**RESPONDENT NAME:** Central Bosque Water Supply Corporation

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> <b>1660 AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS AGREED ORDER</b>	<input type="checkbox"/> <b>FINDINGS ORDER FOLLOWING SOAH HEARING</b>
<input type="checkbox"/> <b>FINDINGS DEFAULT ORDER</b>	<input type="checkbox"/> <b>SHUTDOWN ORDER</b>	<input type="checkbox"/> <b>IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER</b>
<input type="checkbox"/> <b>AMENDED ORDER</b>	<input type="checkbox"/> <b>EMERGENCY ORDER</b>	
<b>CASE TYPE:</b>		
<input type="checkbox"/> <b>AIR</b>	<input type="checkbox"/> <b>MULTI-MEDIA</b> (check all that apply)	<input type="checkbox"/> <b>INDUSTRIAL AND HAZARDOUS WASTE</b>
<input checked="" type="checkbox"/> <b>PUBLIC WATER SUPPLY</b>	<input type="checkbox"/> <b>PETROLEUM STORAGE TANKS</b>	<input type="checkbox"/> <b>OCCUPATIONAL CERTIFICATION</b>
<input type="checkbox"/> <b>WATER QUALITY</b>	<input type="checkbox"/> <b>SEWAGE SLUDGE</b>	<input type="checkbox"/> <b>UNDERGROUND INJECTION CONTROL</b>
<input type="checkbox"/> <b>MUNICIPAL SOLID WASTE</b>	<input type="checkbox"/> <b>RADIOACTIVE WASTE</b>	<input type="checkbox"/> <b>DRY CLEANER REGISTRATION</b>
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Central Bosque WSC, 500 South Main Street, McGregor, McLennan County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on April 19, 2010. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Tel Croston, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-5717; Ms. Laurie Eaves, Enforcement Division, MC 219, (512) 239-4495  <b>Respondent:</b> Mr. Lambert Havelka, President, Central Bosque Water Supply Corporation, P.O. Box 344, McGregor, Texas 76657  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> November 6, 2009</p> <p><b>Date of NOE Relating to this Case:</b> November 23, 2009</p> <p><b>Background Facts:</b> This was a records review.</p> <p><b>WATER</b></p> <p>Failure to obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39(l) for the use of disinfectants other than chlorine [30 TEX. ADMIN. CODE § 290.42(e)(3)(G)].</p>	<p><b>Total Assessed:</b> \$129</p> <p><b>Total Deferred:</b> \$25  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$104</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, begin using free chlorine as the disinfectant used for the disinfection of the water, or obtain an exception for the use of a disinfectant other than chlorine.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision a.</p>

Additional ID No(s): 1550061



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	Assigned	23-Nov-2009			
	PCW	9-Dec-2009	Screening	9-Dec-2009	EPA Due

<b>RESPONDENT/FACILITY INFORMATION</b>					
Respondent	Central Bosque Water Supply Corporation				
Reg. Ent. Ref. No.	RN101439933				
Facility/Site Region	9-Waco	Major/Minor Source	Minor		

<b>CASE INFORMATION</b>					
Enf./Case ID No.	38837	No. of Violations	1		
Docket No.	2009-2014-PWS-E	Order Type	1660		
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes		
Multi-Media		Enf. Coordinator	Tel Croston		
		EC's Team	Enforcement Team 2		
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000		

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$100
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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.

<b>Compliance History</b>	29.0% Enhancement	<b>Subtotal 2, 3, &amp; 7</b>	\$29
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Notes: The Respondent was issued one Agreed Final Enforcement Order containing a denial of liability, one Notice of Violation (NOV) with the same or similar violations and two dissimilar NOV's.

<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<b>Subtotal 5</b>	\$0
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<b>Economic Benefit</b>	0.0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts \$188  
Approx. Cost of Compliance \$1,800  
\*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$129
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

**Final Penalty Amount** \$129

<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$129
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<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$25
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$104
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Screening Date 9-Dec-2009

Docket No. 2009-2014-PWS-E

PCW

Respondent: Central Bosque Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 38837

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101439933

Media [Statute]: Public Water Supply

Enf. Coordinator: Tel Croston

### 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	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 29%

>> Repeat Violator (Subtotal 3)

N/A

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

N/A

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent was issued one Agreed Final Enforcement Order containing a denial of liability, one Notice of Violation (NOV) with the same or similar violations and two dissimilar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 29%

Screening Date: 9-Dec-2009

Docket No.: 2009-2014-PWS-E

PCW

Respondent: Central Bosque Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No.: 38837

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101439933

Media [Statute]: Public Water Supply

Enf. Coordinator: Tel Croston

Violation Number: 1

Rule Cite(s)

30 Tex. Admin. Code § 290.42(e)(3)(G)

Violation Description

Failed to obtain an exception in accordance with 30 Tex. Admin. Code § 290.39(I) for the use of disinfectants other than chlorine. Specifically, at the time of the record review, it was documented that the Facility had not received an exception for the use of chloramines as a disinfectant.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent: 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent: 10%

Matrix Notes

Failed to comply with 100% of the rule requirement.

Adjustment: \$900

\$100

Violation Events

Number of Violation Events: 1

30 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty: \$100

One single event is recommended.

Good Faith Efforts to Comply

0.0% Reduction

\$0

	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: \$188

Violation Final Penalty Total: \$129

This violation Final Assessed Penalty (adjusted for limits): \$129

# Economic Benefit Worksheet

**Respondent:** Central Bosque Water Supply Corporation  
**Case ID No.:** 38837  
**Reg. Ent. Reference No.:** RN101439933  
**Media:** Public Water Supply  
**Violation No.:** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,800	4-Mar-2009	31-Aug-2010	1.49	\$9	\$179	\$188
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

Estimated cost to obtain an exception for using chloramines as a disinfectant. Date required is the investigation date initially documenting the violations. 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

\$1,800

**TOTAL**

\$188

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600657431 Central Bosque Water Supply Corporation Classification: Rating:

Regulated Entity: RN101439933 CENTRAL BOSQUE WSC Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1550061  
 WATER LICENSING LICENSE 1550061

Location: 500 South Main Street, McGregor, McLennan County, TX

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: December 01, 2009

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: December 01, 2004 to December 01, 2009

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

Name: Tel Croston Phone: 239 - 5717

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? Yes
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
- 6.

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
- Effective Date: 08/15/2008 ADMINORDER 2008-0322-PWS-E
  - Classification: Minor
  - Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
5A THSC Chapter 341, SubChapter A 341.0315(c)
  - Description: Failure to maintain the minimum residual disinfectant concentration in the distribution system.
  - Classification: Minor
  - Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)
  - Description: Failure to provide disinfection equipment to maintain the required minimum disinfectant residual.

- B. Any criminal convictions of the state of Texas and the federal government.  
N/A

- C. Chronic excessive emissions events.  
N/A

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

1	05/27/2005	(392473)
2	09/30/2005	(402487)
3	10/27/2005	(433312)
4	12/15/2005	(438574)
5	01/06/2006	(450911)
6	02/15/2006	(453920)
7	04/14/2006	(461381)
8	05/24/2006	(467348)
9	04/17/2009	(737375)

10 05/18/2009 (745227)  
 11 06/08/2009 (746309)  
 12 07/29/2009 (762594)  
 13 09/18/2009 (768059)  
 14 11/17/2009 (779970)

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

Date: 08/04/2005 (402487) CN600657431

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
 Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(u)  
 Description: Failure to plug all abandoned public water supply wells or test public water system wells that are not in use and are non-deteriorated.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)  
 Description: Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate purchase capacity.

Self NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(4)  
 30 TAC Chapter 290, SubChapter D 290.45(f)(5)  
 Description: Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate service pumping capacity and Failure to meet this agency's "Minimum Water System Capacity Requirements" to include an adequate purchase capacity.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.45(f)(2)  
 Description: Failure to provide a purchase contract that authorizes the purchase of enough water to meet the monthly or annual needs of the purchaser.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.121  
 Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(A)  
 Description: Failure to collect water samples for bacteriological analysis at active service connections which are representative of water throughout the distribution system.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)  
 Description: Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
 30 TAC Chapter 290, SubChapter F 290.110(c)(5)(B)  
 Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations and Failure to monitor the disinfectant residual at representative locations in the distribution system at least once per day.

Self NO Classification: Minor  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(n)(2)  
 Description: Failure to maintain and make available an accurate and up-to-date map of the distribution system so that valves and mains can be easily located during emergencies.

Date: 03/04/2009 (737375) CN600657431

Self NO Classification: Major  
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(I)  
 Description: Failure to maintain a daily record of the amount of water used.

Self NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(i)  
Description: Failure to provide an adopted plumbing code or a service agreement that meets the requirements of this agency.

Self NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)  
Description: Failure to record the dates that dead end mains were flushed.

Self NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)  
Description: Failure to provide water system records that needed to be reviewed at the time of the investigation.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)  
Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.

Date: 04/22/2009 (737375) CN600657431  
Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)  
Description: Failure to perform customer service inspections (CSIs) for improvements, corrections, or additions to plumbing facilities prior to providing continuous water service.

Self Report? NO Classification: Major  
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(3)(G)  
Description: Failure to obtain approval to use a disinfectant other than chlorine.

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  
CENTRAL BOSQUE WATER SUPPLY  
CORPORATION  
RN101439933

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BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2009-2014-PWS-E

### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Central Bosque Water Supply Corporation ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a public water supply at 500 South Main Street in McGregor, McLennan County, Texas (the "Facility") that has approximately 286 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.
3. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about November 28, 2009.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of One Hundred Twenty-Nine Dollars (\$129) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid One Hundred Four Dollars (\$104) of the administrative penalty and Twenty-Five Dollars (\$25) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon

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

6. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
7. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
9. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
10. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39(1) for the use of disinfectants other than chlorine, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(3)(G), as documented during a record review conducted on November 6, 2009.

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Central Bosque Water Supply Corporation, Docket No. 2009-2014-PWS-E" to:

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

2. It is further ordered that the Respondent shall undertake the following technical requirements:
- a. Within 30 days after the effective date of this Agreed Order, begin using free chlorine as the disinfectant used for the disinfection of the water, or obtain an exception in accordance with 30 TEX. ADMIN. CODE § 290.39(l) for the use of a disinfectant other than chlorine.

Exception requests shall be submitted to:

Utility Technical Review Team, MC-153  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2. a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

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

3. The provisions of this Agreed Order shall apply to and be binding upon the Respondent. The Respondent is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
6. This Agreed Order may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreed Order may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes under this Agreed Order.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

  
For the Executive Director

3/26/2010  
Date

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

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

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

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

  
Signature

2-9-10  
Date

Lambert Havelka  
Name (Printed or typed)  
Authorized Representative of  
Central Bosque Water Supply Corporation

President  
Title

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

