

Executive Summary – Enforcement Matter – Case No. 39382  
D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply  
RN105814842  
Docket No. 2010-0574-PWS-E

**Order Type:**  
Default Order

**Findings Order Justification:**  
N/A

**Media:**  
PWS

**Small Business:**  
Yes

**Location(s) Where Violation(s) Occurred:**  
2351 FM 3519, Justiceberg, Garza County

**Type of Operation:**  
Restaurant with a public water system

**Other Significant Matters:**

Additional Pending Enforcement Actions:	None
Past-Due Penalties:	None
Past-Due Fees:	\$106.40
Other:	None
Interested Third-Parties:	None

**Texas Register Publication Date:** February 4, 2011

**Comments Received:** None

***Penalty Information***

<b>Total Penalty Assessed:</b>	\$4,034
<b>Amount Deferred for Expedited Settlement:</b>	N/A
<b>Amount Deferred for Financial Inability to Pay:</b>	N/A
<b>Total Paid to General Revenue:</b>	\$0
<b>Total Due to General Revenue:</b>	\$4,034
<b>SEP Conditional Offset:</b>	N/A

**Compliance History Classifications:**  
Person/CN – N/A  
Site/RN – N/A

**Major Source:** No

**Statutory Limit Adjustment:** N/A

**Applicable Penalty Policy:** September 2002

***Investigation Information***

**Complaint Date(s):** N/A  
Complaint Information: N/A  
**Date(s) of Investigation:** March 3, 2010; June 15, 2010  
**Date(s) of NOV(s):** January 26, 2010; March 16, 2010; March 29, 2010; May 3, 2010;  
June 10, 2010  
**Date(s) of NOE(s):** March 19, 2010; June 30, 2010

***Violation Information***

1. Failed to submit and receive Commission approval of plans and specifications prior to commencing construction of a new public water system [30 TEX. ADMIN. CODE § 290.39(c) and (h)(1), and TEX. HEALTH & SAFETY CODE § 341.035(a) and (c)].
2. Failed to keep on file and make available for Commission review Facility records [30 TEX. ADMIN CODE § 290.46(f)].
3. Failed to provide disinfection facilities for microbiological control and distribution protection [30 TEX. ADMIN CODE § 290.42(b)(1)].
4. Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions [30 TEX. ADMIN CODE § 290.41(c)(3)(J)].
5. Failed to provide the well with a casing vent [30 TEX. ADMIN CODE § 290.41(c)(3)(K)].
6. Failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code [30 TEX. ADMIN CODE § 290.46(v)].
7. Failed to ensure that the well house is locked during periods of darkness and when the Facility is unattended [30 TEX. ADMIN CODE § 290.41(c)(3)(O)].
8. Failed to provide a minimum pressure tank capacity of 220 gallons [30 TEX. ADMIN CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
9. Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data [30 TEX. ADMIN CODE § 290.41(c)(3)(N)].
10. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the pump room or natural ground surface [30 TEX. ADMIN CODE § 290.41(c)(3)(B)].
11. Failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples [30 TEX. ADMIN CODE §§ 290.109(c)(2)(A)(i) and 122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d)].

***Corrective Actions/Technical Requirements***

**Corrective Action(s) Completed:**

Respondent closed and no longer operates the Facility as of June 29, 2010.

**Technical Requirements:**

N/A

**Executive Summary – Enforcement Matter – Case No. 39382**  
**D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply**  
**RN105814842**  
**Docket No. 2010-0574-PWS-E**

***Litigation Information***

**Date Petition(s) Filed:** October 27, 2010  
**Date(s) Answer(s) Filed:** N/A  
**SOAH Referral Date:** N/A  
**Hearing Date(s):**  
Preliminary hearing: N/A  
Evidentiary hearing: N/A

***Contact Information***

**TCEQ Attorneys:** Tammy L. Mitchell, Litigation Division, MC 175, (512) 239-3400  
Lena Roberts, Litigation Division, MC 175, (512) 239-3400  
**TCEQ SEP Coordinator:** N/A  
**TCEQ Enforcement Coordinator:** Amanda Henry, Water Enforcement Section, (713) 767- 3672  
**TCEQ Regional Contact:** Patrick Cook, Lubbock Regional Office, MC R-2, (806) 796-7092  
**Respondent:** David Del Bosque, Director, D&K Del Bosque, Inc., P.O. Box 65076, Lubbock, Texas  
79464  
**Respondent's Attorney:** N/A

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# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	12-Jul-2010	<b>Screening</b>	14-Jul-2010	<b>EPA Due</b>	30-Nov-2010
	<b>PCW</b>	10-Sep-2010				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	D & K Del Bosque, Inc. dba Old Gringo Lake Supply
<b>Reg. Ent. Ref. No.</b>	RN105814842
<b>Facility/Site Region</b>	2-Lubbock
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>				
<b>Enf./Case ID No.</b>	39382	<b>No. of Violations</b>	11	
<b>Docket No.</b>	2010-0574-PWS-E	<b>Order Type</b>	Findings	
<b>Media Program(s)</b>	Public Water Supply	<b>Government/Non-Profit</b>	No	
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Amanda Henry	
		<b>EC's Team</b>	Enforcement Team 2	
<b>Admin. Penalty \$ Limit</b>	<b>Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,100
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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>	25.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$775
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<b>Notes</b>	Enhancement for five NOV's that contain same/similar violations to those in the current enforcement action.
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<b>Culpability</b>	No	0.0% Enhancement	<b>Subtotal 4</b>	\$0
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<b>Notes</b>	The Respondent does not meet the culpability criteria.
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<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	\$825	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$13 850	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$3,875
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	4.1%	<b>Adjustment</b>	\$159
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Reduces or enhances the Final Subtotal by the indicated percentage.

<b>Notes</b>	Enhancement recommended for recovery of avoided cost of compliance.
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<b>Final Penalty Amount</b>	\$4,034
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$4,034
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<b>DEFERRAL</b>	0.0%	Reduction	<b>Adjustment</b>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

<b>Notes</b>	No deferral is recommended for Findings Orders.
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<b>PAYABLE PENALTY</b>	\$4,034
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**Screening Date** 14-Jul-2010

**Docket No.** 2010-0574-PWS-E

**PCW**

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply

*Policy Revision 2 (September 2002)*

**Case ID No.** 39382

*PCW Revision October 30, 2008*

**Reg. Ent. Reference No.** RN105814842

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Amanda Henry

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	5	25%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	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 ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 25%

**>> 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 for five NOVs that contain same/similar violations to those in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 25%

<b>Screening Date</b>	14-Jul-2010	<b>Docket No.</b>	2010-0574-PWS-E	<b>PCW</b>
<b>Respondent</b>	D & K Del Bosque, Inc. dba Old Gringo Lake Supply			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	39382			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN105814842			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amanda Henry			
<b>Violation Number</b>	1			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.39(c) and (h)(1) and Tex. Health & Safety Code § 341.035(a) and (c)			
<b>Violation Description</b>	Failed to submit and receive Commission approval of plans and specifications prior to commencing construction of a new public water system. Specifically, at the time of the investigation, it was documented that the plans and specifications for the Facility were not submitted to the Executive Director and no approval was obtained prior to construction and operation of the Facility.			
	<b>Base Penalty</b>	\$1,000		

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	Actual				<b>Percent</b> 0%
Potential					

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		x			<b>Percent</b> 10%
<b>Matrix Notes</b>	100% of the rule requirement was not met.				
	<b>Adjustment</b>	\$900			

\$100

**Violation Events**

Number of Violation Events	1	20	Number of violation days
<i>mark only one with an x</i>	daily		<b>Violation Base Penalty</b> \$100
	weekly		
	monthly		
	quarterly		
	semiannual		
	annual		
	single event	x	
	One single event is recommended.		

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement
Extraordinary		
Ordinary		
N/A	x	mark with x
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.	
	<b>Violation Subtotal</b>	\$100

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

<b>Estimated EB Amount</b>	\$436	<b>Violation Final Penalty Total</b>	\$130
<b>This violation Final Assessed Penalty (adjusted for limits)</b>		\$130	

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**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
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)	\$10,000	3-Mar-2010	15-Jan-2011	0.87	\$436	n/a	\$436

Notes for DELAYED costs

The delayed costs include the estimated amount to submit for review and approval, detailed and properly sealed engineering plans and specifications of the Facility. The date required is the investigation date. 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

\$10,000

**TOTAL**

\$436

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
<input type="text" value="100% of the rule requirement was not met."/>					

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
mon hly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text" value="x"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/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**

**Violation Subtotal**

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

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**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
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	\$500	3-Mar-2010	1-Dec-2010	0.75	\$19	n/a	\$19
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to begin maintaining all required Facility records pertaining to operations and maintenance of the Facility, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$19

<b>Screening Date</b>	14-Jul-2010	<b>Docket No.</b>	2010-0574-PWS-E	<b>PCW</b>
<b>Respondent</b>	D & K Del Bosque, Inc. dba Old Gringo Lake Supply			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	39382			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN105814842			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amanda Henry			
<b>Violation Number</b>	3			
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(b)(1)			
<b>Violation Description</b>	Failed to provide disinfection facilities for microbiological control and distribution protection.			
		<b>Base Penalty</b>	\$1,000	

**>> Environmental, Property and Human Health Matrix**

<b>OR</b>		<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor	
	<b>Actual</b>				
	<b>Potential</b>	x			<b>Percent</b> 25%

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
					<b>Percent</b> 0%
<b>Matrix Notes</b>	Failing to provide disinfection facilities would not allow a means for microbiological control and proper disinfection of the water, exposing customers of the Facility to significant amounts of contaminants, which could exceed levels that are protective of human health.				
					<b>Adjustment</b> \$750

\$250

**Violation Events**

<b>Number of Violation Events</b>	1	<b>Number of violation days</b>	20	
<i>mark only one with an x</i>	daily			
	weekly			
	mon hly	x		
	quarterly			
	semiannual			
	annual			
	single event			
		<b>Violation Base Penalty</b>	\$250	
One monthly event is recommended from the date of the investigation, March 3, 2010, to the date of screening, March 23, 2010.				

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDPRP/Settlement Offer	
<b>Extraordinary</b>			
<b>Ordinary</b>			
<b>N/A</b>	x	mark with x	
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.		
		<b>Violation Subtotal</b>	\$250

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

<b>Estimated EB Amount</b>	\$27	<b>Violation Final Penalty Total</b>	\$325
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	\$325

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$550	3-Mar-2010	10-Nov-2010	0.69	\$1	\$25	\$27
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to provide disinfection facilities for microbiological control and distribution protection, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$550

**TOTAL**

\$27

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number** 4  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(J)  
**Violation Description** Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, at the time of the investigation, it was documented that the well did not have a sealing block.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide a concrete sealing block that extends at least three feet in all directions from the well casing could expose the source water to significant amounts of contaminants which would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 1 20 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

*mark only one with an x*

**Violation Base Penalty** \$250

One monthly event is recommended from the investigation date, March 3, 2010, to the screening date of March 23, 2010.

**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** \$250

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

**Estimated EB Amount** \$58

**Violation Final Penalty Total** \$325

**This violation Final Assessed Penalty (adjusted for limits)** \$325

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,000	3-Mar-2010	1-Jan-2011	0.83	\$3	\$56	\$58
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to provide a concrete sealing block that extends three feet in all directions from the center of the well casing, calculated from the investigation to the estimated date of compliance

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

**TOTAL**

\$58

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number** 5  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(K)  
**Violation Description** Failed to provide the well with a casing vent. Specifically, at the time of the investigation, it was documented that the well did not have a casing vent.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				25%
	Potential	x			

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent
					0%

**Matrix Notes** Failure to provide the well with a casing vent may cause the well to form an undesirable vacuum that would prevent the release of trapped air and gases. As a result, customers could be exposed to a significant amount of contaminants which would exceed levels that are protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 1 20 Number of violation days

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

*mark only one with an x*

**Violation Base Penalty** \$250

One monthly event is recommended from the investigation date, March 3, 2010, to the screening date of March 23, 2010.

**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** \$250

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

**Estimated EB Amount** \$6

**Violation Final Penalty Total** \$325

**This violation Final Assessed Penalty (adjusted for limits)** \$325

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 5

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$100	3-Mar-2010	1-Feb-2011	0.92	\$0	\$6	\$6
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 estimated amount to properly install a casing vent on the well, calculated from the date of the investigation to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$6

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Failing to properly install electrical wires may cause equipment to malfunction and cause dangerous working conditions for Facility personnel which could result in a significant amount of contaminants entering the water supply, which would exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
monthly	<input type="text" value="x"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One monthly event is recommended from the investigation date, March 3, 2010, to the screening date of March 23, 2010.

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDRP/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: The Respondent does not meet the good faith criteria for this violation.

**Violation Subtotal**

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

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 6

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$200	3-Mar-2008	1-Jan-2011	2.83	\$2	\$38	\$40
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the estimated amount to install electrical wiring in compliance with a local or national code, calculated from the date of the investigation to 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

\$200

**TOTAL**

\$40

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>		

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes

**Adjustment**

**Violation Events**

Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	mon hly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input checked="" type="checkbox"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<input type="text" value="mark with x"/>

Notes

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**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)	\$500	3-Mar-2010	1-Dec-2010	0.75	\$1	\$25	\$26
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 estimated amount to provide a lockable door on the well house, calculated from the date of the investigation to the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

**TOTAL**

\$26

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number** 8  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(d)(2)(A)(ii) and Tex. Health & Safety Code § 341.0315(c)  
**Violation Description** Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, at the time of the investigation, it was documented that the Facility had a pressure tank capacity of 80 gallons, indicating a 64% deficiency.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide an adequate pressure tank capacity may result in low water pressure and backflow problems exposing customers of the Facility to a significant amount of contaminants that would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

1 20 Number of violation days

*mark only one with an x*

daily	
weekly	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$250

One monthly event is recommended from the investigation date, March 3, 2010, to the screening date of March 23, 2010.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

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

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

**Violation Subtotal** \$250

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

**Estimated EB Amount** \$33 **Violation Final Penalty Total** \$325

**This violation Final Assessed Penalty (adjusted for limits)** \$325

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 9

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment	\$150	3-Mar-2010	1-Feb-2011	0.92	\$0	\$9	\$10
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to install a well meter, calculated from the investigation date to the estimated date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$150

**TOTAL**

\$10

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**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
No commas or \$							

### Delayed Costs

Equipment	\$400	3-Mar-2010	1-May-2011	1.16	\$2	\$31	\$33
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs includes the estimated amount to provide adequate pressure tank capacity. The date required is the investigation date. 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**

\$33

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number**   
**Rule Cite(s)**   
**Violation Description**

**Base Penalty**

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

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

**Matrix Notes**

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
weekly	<input type="text"/>
mon hly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

**Good Faith Efforts to Comply**  Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="text" value="x"/>	<input type="text" value="mark with x"/>

**Notes**

**Violation Subtotal**

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

**Estimated EB Amount**  **Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number** 10  
**Rule Cite(s)** 30 Tex. Admin. Code § 290.41(c)(3)(B)  
**Violation Description** Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the pump room or natural ground surface. Specifically, at the time of the investigation, it was documented that the well casing extended approximately 10 inches above the natural ground surface.

**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Failure to provide a well casing vent of the proper height may allow contaminants to enter the well, exposing the source water to a significant amount of contaminants that would exceed levels protective of human health.

**Adjustment** \$750

\$250

**Violation Events**

Number of Violation Events 1 20 Number of violation days

<i>mark only one with an x</i>	daily	
	weekly	
	monthly	x
	quarterly	
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$250

One monthly event is recommended from the investigation date, March 3, 2010, to the screening date of March 23, 2010.

**Good Faith Efforts to Comply** 0.0% Reduction \$0

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	mark with x

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

**Violation Subtotal** \$250

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

**Estimated EB Amount** \$13 **Violation Final Penalty Total** \$325

**This violation Final Assessed Penalty (adjusted for limits)** \$325

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 10

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	\$200	3-Mar-2010	1-Feb-2011	0.92	\$1	\$12	\$13
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 include the estimated amount necessary to extend the well casing to a minimum of 18 inches. The date required is the investigation date. The final date is the date of compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$200

**TOTAL**

\$13

**Screening Date** 14-Jul-2010 **Docket No.** 2010-0574-PWS-E **PCW**  
**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply *Policy Revision 2 (September 2002)*  
**Case ID No.** 39382 *PCW Revision October 30, 2008*  
**Reg. Ent. Reference No.** RN105814842  
**Media [Statute]** Public Water Supply  
**Enf. Coordinator** Amanda Henry

**Violation Number** 11  
**Rule Cite(s)** 30 Tex. Admin. Code §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B) and Tex. Health & Safety Code § 341.033(d)  
**Violation Description** Failed to collect routine distribution water samples for coliform analysis for the months of December 2009 through April 2010 and failed to provide public notification of the failure to collect routine samples for the months of December 2009 through April 2010.  
**Base Penalty** \$1,000

**>> Environmental, Property and Human Health Matrix**

OR	Release	Harm			Percent
		Major	Moderate	Minor	
		Actual			
Potential	x				

**>> Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Failure to perform routine distribution coliform sampling may allow a significant amount of undetected contaminants that exceed levels protective of human health to be distributed to the public.					
<b>Adjustment</b>					\$750

\$250

**Violation Events**

Number of Violation Events 5      150 Number of violation days  
*mark only one with an x*  
 daily   
 weekly   
 monthly   
 quarterly   
 semiannual   
 annual   
 single event   
**Violation Base Penalty** \$1,250  
 Five monthly events are 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.	
<b>Violation Subtotal</b> \$1,250		

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

**Estimated EB Amount** \$159      **Violation Final Penalty Total** \$1,627  
**This violation Final Assessed Penalty (adjusted for limits)** \$1,627

## Economic Benefit Worksheet

**Respondent** D & K Del Bosque, Inc. dba Old Gringo Lake Supply  
**Case ID No.** 39382  
**Reg. Ent. Reference No.** RN105814842  
**Media** Public Water Supply  
**Violation No.** 11

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	\$100	15-Jun-2010	31-May-2011	0.96	\$5	n/a	\$5
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed costs include the estimated amount to implement procedures, to ensure public notifications are provided when necessary, calculated from the record review date to the estimated date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$125	31-Dec-2009	30-Apr-2010	1.25	\$8	\$125	\$133
Other (as needed)	\$25	1-Apr-2010	1-Aug-2010	1.25	\$2	\$25	\$27

Notes for AVOIDED costs

The avoided costs includes the estimated amount to collect and submit monthly water samples for bacteriological analysis (\$25/sample) and provide public notice for the failure to collect the sample (\$5 per notice), calculated for the months in which no samples were not collected and during the period a public notice was required.

Approx. Cost of Compliance

\$250

**TOTAL**

\$159

# Compliance History Report

Customer/Respondent/Owner-Operator: CN603543562 D & K Del Bosque, Inc. Classification: Rating:  
Regulated Entity: RN105814842 OLD GRINGO LAKE SUPPLY Classification: Site Rating:

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0850019  
Location: 2351 FM 3519, JUSTICEBURG, TX, 79330

TCEQ Region: REGION 02 - LUBBOCK

Date Compliance History Prepared: July 14, 2010

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 13, 2005 to July 13, 2010

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

Name: Amanda Henry Phone: 713-767-3672

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.  
N/A
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
  - 1 10/13/2009 (778660)
  - 2 03/16/2010 (790609)
  - 3 04/14/2010 (799161)
  - 4 06/22/2010 (827599)
  - 5 06/27/2010 (828440)
  - 6 06/27/2010 (828472)
  - 7 06/27/2010 (828481)
  - 8 06/27/2010 (828495)
  - 9 07/07/2010 (828919)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 01/26/2010 (827599)**

**CN603543562**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)  
Description: TCR Routine Monitoring Violation 12/2009 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)  
Description: TCR PN Routine Monitoring Violation 12/2009 - Failure to post public notice for not collecting any routine monitoring sample(s).

**Date: 03/16/2010 (828440)**

**CN603543562**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 01/2010 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 01/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

**Date: 03/29/2010 (828472)**

**CN603543562**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 02/2010 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 02/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

**Date: 05/03/2010 (828481)**

**CN603543562**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 03/2010 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 03/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

**Date: 06/10/2010 (828495)**

**CN603543562**

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(2)(A)(i)

Description: TCR Routine Monitoring Violation 04/2010 - Failure to collect any routine monitoring sample(s).

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(B)

Description: TCR PN Routine Monitoring Violation 04/2010 - Failure to post public notice for not collecting any routine monitoring sample(s).

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  
D & K DEL BOSQUE, INC. d/b/a  
OLD GRINGO LAKE SUPPLY;  
RN105814842**

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§  
§  
§  
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**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **DEFAULT ORDER**

**DOCKET NO. 2010-0574-PWS-E**

At its \_\_\_\_\_ agenda meeting, 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. The respondent made the subject of this Order is D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply ("Respondent").

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

### **FINDINGS OF FACT**

1. Respondent owned and operated a restaurant with a public water system located at 2351 FM 3519 in Justiceburg, Garza County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 1 service connection, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on March 3, 2010, a TCEQ Lubbock Regional Office investigator documented that Respondent:
  - a. Failed to submit and receive Commission approval of plans and specifications prior to commencing construction of a new public water system;
  - b. Failed to keep on file and make available for commission review Facility records;
  - c. Failed to provide disinfection facilities for microbiological control and distribution protection;
  - d. Failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions. Specifically, the well did not have a sealing block;
  - e. Failed to provide the well with a casing vent;

- f. Failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code. Specifically, the wiring at the well was exposed and connected with wire nuts;
  - g. Failed to ensure that the well house is locked during periods of darkness and when the Facility is unattended. Specifically, the door to the well house did not have any means to lock the door;
  - h. Failed to provide a minimum pressure tank capacity of 220 gallons. Specifically, the Facility had a pressure tank capacity of 80 gallons, indicating a 64% deficiency;
  - i. Failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data; and
  - j. Failed to provide a well casing that extends a minimum of 18 inches above the elevation of the pump room or natural ground surface. Specifically, the well casing extended approximately 10 inches above the natural ground surface.
3. During a record review conducted on June 15, 2010, a TCEQ Central Office investigator documented that Respondent failed to collect routine distribution water samples for coliform analysis for the months of December 2009 through April 2010 and failed to provide public notification of the failure to collect routine samples for the months of December 2009 through April 2010.
  4. Respondent received notice of the violations alleged in Findings of Fact Nos. 2.a. through 2.j. on or about March 24, 2010. Respondent received notice of the violations in Finding of Fact No. 3 on or about July 5, 2010.
  5. The Executive Director recognizes that Respondent closed and no longer operates the Facility as of June 29, 2010.
  6. 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 "D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply" (the "EDPRP") in the TCEQ Chief Clerk's office on October 27, 2010.
  7. By letter dated October 27, 2010, sent to Respondent's last known address via certified mail, return receipt requested, and via first class mail, postage prepaid, the Executive Director served Respondent with notice of the EDPRP. The United States Postal Service returned the EDPRP sent by certified mail as "unclaimed." The first class mail has not been returned, indicating that Respondent received notice of the EDPRP.
  8. More than 20 days have elapsed since Respondent received notice of the EDPRP provided by the Executive Director. Respondent 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 No. 1, Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE CH. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2.a., Respondent failed to submit and receive Commission approval of plans and specifications prior to commencing construction of a new public water system, in violation of 30 TEX. ADMIN CODE § 290.39(c) and (h)(1), and TEX. HEALTH & SAFETY CODE § 341.035(a) and (c).
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to keep on file and make available for commission review Facility records, in violation of 30 TEX. ADMIN CODE § 290.46(f).
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide disinfection facilities for microbiological control and distribution protection, in violation of 30 TEX. ADMIN CODE § 290.42(b)(1).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions, in violation of 30 TEX. ADMIN CODE § 290.41(c)(3)(J).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide the well with a casing vent, in violation of 30 TEX. ADMIN CODE § 290.41(c)(3)(K).
7. As evidenced by Finding of Fact No. 2.f., Respondent failed to ensure that the Facility's electrical wiring is securely installed in compliance with a local or national electrical code, in violation of 30 TEX. ADMIN CODE § 290.46(v).
8. As evidenced by Finding of Fact No. 2.g., Respondent failed to ensure that the well house is locked during periods of darkness and when the Facility is unattended, in violation of 30 TEX. ADMIN CODE § 290.41(c)(3)(O).
9. As evidenced by Finding of Fact No. 2.h., Respondent failed to provide a minimum pressure tank capacity of 220 gallons, in violation of 30 TEX. ADMIN CODE § 290.45(d)(2)(A)(ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
10. As evidenced by Finding of Fact No. 2.i., Respondent failed to provide the well with a flow measuring device to measure production yields and provide for the accumulation of water production data, in violation of 30 TEX. ADMIN CODE § 290.41(c)(3)(N).
11. As evidenced by Finding of Fact No. 2.j., Respondent failed to provide a well casing that extends a minimum of 18 inches above the elevation of the pump room or natural ground surface, in violation of 30 TEX. ADMIN CODE § 290.41(c)(3)(B).
12. As evidenced by Finding of Fact No. 3, Respondent failed to collect routine distribution water samples for coliform analysis and failed to provide public notification of the failure to collect routine samples, in violation of 30 TEX. ADMIN CODE §§ 290.109(c)(2)(A)(i) and 290.122(c)(2)(B), and TEX. HEALTH & SAFETY CODE § 341.033(d).

13. As evidenced by Findings of Fact Nos. 6 and 7, the Executive Director timely served Respondent with proper notice of the EDPRP, as required by TEX. HEALTH & SAFETY CODE § 341.049 and 30 TEX. ADMIN. CODE § 70.104(c)(2).
14. As evidenced by Finding of Fact No. 8, Respondent 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 Respondent and assess the penalty recommended by the Executive Director.
15. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Respondent for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
16. An administrative penalty in the amount of four thousand thirty-four dollars (\$4,034.00) 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.
17. 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. Respondent is assessed an administrative penalty in the amount of four thousand thirty-four dollars (\$4,034.00) for violations of state statutes and rules of the TCEQ. The payment of this administrative penalty and Respondent'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.
2. The administrative penalty assessed by this Order shall be paid within 30 days after the effective date of this Order. All checks submitted to pay the penalty imposed by this Order shall be made out to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: D & K Del Bosque, Inc. d/b/a Old Gringo Lake Supply; Docket No. 2010-0574-PWS-E" to:

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

3. All relief not expressly granted in this Order is denied.
4. The provisions of this Order shall apply to and be binding upon Respondent.

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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent 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 Respondent if the Executive Director determines that Respondent 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.

**S I G N A T U R E   P A G E**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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For the Commission

**AFFIDAVIT OF TAMMY L. MITCHELL**

STATE OF TEXAS

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COUNTY OF TRAVIS

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"My name is Tammy L. Mitchell. 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, 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 D & K DEL BOSQUE, INC. DBA OLD GRINGO LAKE SUPPLY,' (the 'EDPRP') was filed in the TCEQ Chief Clerk's office on October 27, 2010.

The EDPRP was mailed to Respondent's last known address on October 27, 2010, via certified mail, return receipt requested, and via first class mail, postage prepaid. The United States Postal Service returned the EDPRP sent by certified mail as 'unclaimed.' The first class mail has not been returned, indicating that Respondent received notice of the EDPRP, in accordance with 30 TEX. ADMIN. CODE § 70.104(c)(2).

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



Tammy L. Mitchell, Staff Attorney  
Office of Legal Services, Litigation Division  
Texas Commission on Environmental Quality

Before me, the undersigned authority, on this day personally appeared Tammy L. Mitchell, 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 21<sup>st</sup> day of January, A.D. 2011.

  
Notary Signature