

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42539
BUCHANAN LAKE VILLAGE, INC.
RN101224988
Docket No. 2011-1670-PWS-E

Order Type:

Findings Agreed Order

Findings Order Justification:

Indifference to legal duty based on violation of a previous order.

Media:

PWS

Small Business:

Yes

Location(s) Where Violation(s) Occurred:

512 Frazier Street, Llano, Llano County

Type of Operation:

public water system

Other Significant Matters:

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

Texas Register Publication Date: March 30, 2012

Comments Received: None

Penalty Information

Total Penalty Assessed: \$1,575

Amount Deferred for Financial Inability to Pay: N/A

Total Paid to General Revenue: \$175

Total Due to General Revenue: \$1,400

Payment Plan: 14 payments of \$100 each

SEP Conditional Offset: N/A

Compliance History Classifications:

Person/CN – N/A
Site/RN – N/A

Major Source: No

Statutory Limit Adjustment: None

Applicable Penalty Policy: September 2011

Investigation Information

Complaint Date(s): N/A
Date(s) of Investigation: July 28, 2011
Date(s) of NOV(s): August 12, 2008; January 10, 2011
Date(s) of NOE(s): August 31, 2011

Violation Information

1. Failed to provide a well capacity of 0.6 gallons per minute (“gpm”) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.e.ii.].
2. Failed to obtain a sanitary control easement for all land within 150 feet of Well Nos. 1 and 2 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.c.ii.].
3. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].
4. Failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan [30 TEX. ADMIN. CODE § 290.109(c)(1)(B)].
5. Failed to provide an intruder-resistant fence to protect the Facility's well sites [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:

None

Technical Requirements:

1. Within 10 days, begin collecting distribution coliform samples at locations specified in the Facility's monitoring plan.
2. Within 90 days:
 - a. Ensure that all well sites are provided with a properly constructed intruder-resistant fence, including, but not limited to, ensuring there are no gaps between the bottom of the fence and the ground along the section adjacent to the facility; and
 - b. Obtain a sanitary control easement that covers all land within 150 feet of Well Nos. 1 and 2.
3. Within 180 days:
 - a. Provide a minimum well capacity of 0.6 gpm; and
 - b. Provide two or more service pumps having a total capacity of 2.0 gpm per connection.
4. Submit written certification to demonstrate compliance:
 - a. Technical Requirement No. 1 within 25 days;
 - b. Technical Requirement No. 2 within 105 days; and
 - c. Technical Requirement No. 3 within 195 days.

EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42539
BUCHANAN LAKE VILLAGE, INC.
RN101224988
Docket No. 2011-1670-PWS-E

Page 3 of 3

Litigation Information

Date Petition(s) Filed: January 27, 2012
Date Answer(s) Filed: N/A
SOAH Referral Date: N/A
Hearing Date(s): N/A
Settlement Date: March 9, 2012

Contact Information

TCEQ Attorneys: Sharesa Y. Alexander, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Scott Humphrey, Public Interest Counsel, (512) 239-6363

TCEQ SEP Coordinator: N/A

TCEQ Enforcement Coordinator: Katy Schumann, Enforcement Division, (512) 239- 2602

TCEQ Regional Contact: Carolyn Runyon, Austin Regional Office, (512) 339-2929

Respondent: Betty Jo Carter, President, Buchanan Lake Village, Inc., P.O. Box 5308, Jonestown, Texas 78645-0004

Respondent's Attorney: N/A

THIS PAGE INTENTIONALLY LEFT BLANK



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

TCEQ

DATES	Assigned	6-Sep-2011	Screening	6-Sep-2011	EPA Due	
	PCW	13-Dec-2011				

RESPONDENT/FACILITY INFORMATION	
Respondent	Buchanan Lake Village, Inc.
Reg. Ent. Ref. No.	RN101224988
Facility/Site Region	11-Austin
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	42539	No. of Violations	5
Docket No.	2011-1670-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Katy Schumann
		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$1,050
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	50.0% Enhancement	Subtotals 2, 3, & 7	\$525
---------------------------	-------------------	--------------------------------	--------------

Notes: Enhancement for two NOVs with same/similar violations and two final agreed orders with a denial of liability.

Culpability	No	0.0% Enhancement	Subtotal 4	\$0
--------------------	----	------------------	-------------------	------------

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments	Subtotal 5	\$0
--	-------------------	------------

Economic Benefit	0.0% Enhancement*	Subtotal 6	\$0
-------------------------	-------------------	-------------------	------------

Total EB Amounts: \$12,995
 Approx. Cost of Compliance: \$75,565
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7	Final Subtotal	\$1,575
-----------------------------	-----------------------	----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	0.0%	Adjustment	\$0
---	------	-------------------	------------

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$1,575
-----------------------------	----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$1,575
-----------------------------------	-------------------------------	----------------

DEFERRAL	0.0% Reduction	Adjustment	\$0
-----------------	----------------	-------------------	------------

Reduces the Final Assessed Penalty by the indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$1,575
------------------------	----------------

Screening Date 6-Sep-2011

Docket No. 2011-1670-PWS-E

PCW

Respondent Buchanan Lake Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42539

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101224988

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written notices of violation ("NOVs") with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	2	40%
	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) 50%

>> 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 two NOVs with same/similar violations and two final agreed orders with a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 6-Sep-2011

Docket No. 2011-1670-PWS-E

PCW

Respondent Buchanan Lake Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42539

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101224988

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(C)(i) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.e.ii

Violation Description Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, at the time of the investigation, it was documented that the Facility has 211 service connections which requires a minimum well production capacity of 127 gpm. However, at the time of the investigation, the Facility was providing 107 gpm in well production capacity, which is a 16% deficiency.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		x		

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Failure to provide a well capacity of 0.6 gpm per connection could result in low pressure or outages, exposing customers of the Facility to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 7 633 Number of violation days

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$700

Seven quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2009-0971-PWS-E, December 18, 2009, to the screening date, September 6, 2011.

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 \$700

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$11,714

Violation Final Penalty Total \$1,050

This violation Final Assessed Penalty (adjusted for limits) \$1,050

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Req. Ent. Reference No. RN101224988
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	\$60,000	18-Dec-2009	1-Oct-2012	2.79	\$558	\$11,156	\$11,714
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 necessary to provide a well capacity of 0.6 gpm per connection. The date required is the effective date of TCEQ Agreed Order Docket No. 2009-0971-PWS-E and 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

\$60,000

TOTAL

\$11,714

Screening Date 6-Sep-2011
Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Reg. Ent. Reference No. RN101224988
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Docket No. 2011-1670-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.c.ii

Violation Description Failed to obtain a sanitary control easement for all land within 150 feet of Well Nos. 1 and 2.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					5%
Potential			x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes Failure to have a sanitary control easement in place could allow activities to occur next to the well which could cause customers of the Facility to be exposed to insignificant amounts of contaminants, which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 2 633 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

Two single events are recommended (one for each well).

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 \$100

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$7

Violation Final Penalty Total \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Req. Ent. Reference No. RN101224988
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)	\$40	18-Dec-2009	1-Jul-2012	2.54	\$0	\$7	\$7
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 record a sanitary control easement for Well Nos. 1 and 2, calculated from the effective date of TCEQ Agreed Order Docket No. 2009-0971-PWS-E 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

\$40

TOTAL

\$7

Screening Date 6-Sep-2011
Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Reg. Ent. Reference No. RN101224988
Media [Statute] Public Water Supply
Enf. Coordinator Katy Schumann

Docket No. 2011-1670-PWS-E

PCW

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

Violation Number

Rule Cite(s)

Violation Description

Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, at the time of the investigation, it was documented that the Facility has 211 service connections which requires a total service pump capacity of 422 gpm. However, the Facility only provides a total service pump capacity of 260 gpm, which is a 38% deficiency.

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

Failure to provide adequate service pump capacity may not allow the Facility to supply water to sections of the distribution system where it is not possible to supply it by gravity; thereby exposing customers to a significant amount of contaminants that would not exceed levels protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	weekly	<input type="text"/>
	monthly	<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

One quarterly event is recommended, calculated from the investigation date, July 28, 2011, to the screening date, September 6, 2011.

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"/>	(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 Buchanan Lake Village, Inc.
Case ID No. 42539
Req. Ent. Reference No. RN101224988
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	\$15,000	28-Jul-2011	1-Oct-2012	1.18	\$59	\$1,181	\$1,240
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 a total pump capacity of 2.0 gpm per connection, 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

\$15,000

TOTAL

\$1,240

Screening Date 6-Sep-2011

Docket No. 2011-1670-PWS-E

PCW

Respondent Buchanan Lake Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42539

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101224988

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 290.109(c)(1)(B)

Violation Description Failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan. Specifically, at the time of the investigation, it was documented that the Respondent was using certain microbiological sampling sites more frequently than others.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

Table with columns: Release (Actual, Potential), Harm (Major, Moderate, Minor), Percent (10%).

>> Programmatic Matrix

Table with columns: Falsification, Major, Moderate, Minor, Percent (0%).

Matrix Notes Failure to properly collect distribution coliform samples at locations specified in the Facility's monitoring plan could expose customers to a significant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$900

\$100

Violation Events

Number of Violation Events 1 Number of violation days 40

Table for event frequency: daily, weekly, monthly, quarterly (marked with x), semiannual, annual, single event.

Violation Base Penalty \$100

One quarterly event is recommended, calculated from the investigation date, July 28, 2011, to the screening date, September 6, 2011.

Good Faith Efforts to Comply

0.0% Reduction \$0

Table for Good Faith Efforts: Extraordinary, Ordinary, N/A (marked 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 \$1

Violation Final Penalty Total \$150

This violation Final Assessed Penalty (adjusted for limits) \$150

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Req. Ent. Reference No. RN101224988
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)	\$25	28-Jul-2011	10-Apr-2012	0.70	\$0	\$1	\$1
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

The delayed cost includes the amount necessary to update the Facility's operational guidance and conduct employee training to ensure that the Facility conducts distribution coliform sampling at locations identified in the Facility's approved monitoring plan, calculated from the investigation date documenting the violation 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

\$25

TOTAL

\$1

Screening Date 6-Sep-2011

Docket No. 2011-1670-PWS-E

PCW

Respondent Buchanan Lake Village, Inc.

Policy Revision 2 (September 2002)

Case ID No. 42539

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN101224988

Media [Statute] Public Water Supply

Enf. Coordinator Katy Schumann

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(3)(O)

Violation Description

Failed to provide an intruder-resistant fence to protect the Facility's well sites. Specifically, at the time of the investigation, it was documented that some sections of the fence had gaps between the bottom of the fence and the ground that were high enough to allow access to the facilities.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				5%
	Potential			x	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes

Failure to provide an intruder-resistant fence for the wells could expose customers to an insignificant amount of contaminants which would not exceed levels protective of human health.

Adjustment \$950

\$50

Violation Events

Number of Violation Events 1 40 Number of violation days

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$50

One single event is recommended.

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 \$50

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$33

Violation Final Penalty Total \$75

This violation Final Assessed Penalty (adjusted for limits) \$75

Economic Benefit Worksheet

Respondent Buchanan Lake Village, Inc.
Case ID No. 42539
Req. Ent. Reference No. RN101224988
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)	\$500	28-Jul-2011	1-Jul-2012	0.93	\$2	\$31	\$33
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 properly repair the fences so that they are rendered intruder-resistant, 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

\$33

Compliance History

Customer/Respondent/Owner-Operator: CN600626675 Buchanan Lake Village, Inc. Classification: Rating:
Regulated Entity: RN101224988 BUCHANAN LAKE VILLAGE Classification: Site Rating:
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1500003
WATER LICENSING LICENSE 1500003
Location: 512 FRAZIER STREET, LLANO COUNTY, TEXAS
TCEQ Region: REGION 11 - AUSTIN
Date Compliance History Prepared: September 12, 2011
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 12, 2006 to September 12, 2011
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Katy Schumann Phone: (512) 239-2602

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. Rating Date: 9/1/2011 Repeat Violator: NO

Components (Multimedia) for the Site:

- A. Final Enforcement Orders, court judgments, and consent decrees of the State of Texas and the federal government.

Effective Date: 08/29/2008

ADMINORDER 2008-0285-PWS-E

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to meet the service pumping capacity minimum requirement.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to provide adequate service pump and pressure maintenance capacity.

Effective Date: 12/18/2009

ADMINORDER 2009-0971-PWS-E

Classification: Minor

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

Description: Failed to provide an up-to-date plant operations manual for operator review and reference, as documented during an investigation conducted on May 19, 2009.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failed ensure the Facility's operating records are available and accessible for review during an inspection, as documented during an investigation conducted on May 19, 2009.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to secure sanitary control easements covering all property within 150 feet of the wells, as documented during an investigation conducted on May 19, 2009.

Classification: Minor

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

Description: Failed to calibrate the Facility's well meters at least once every three years, as documented during an investigation conducted on May 19, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during an investigation conducted on May 19, 2009.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of 200 gallons per connection, as documented during an investigation conducted on May 19, 2009.

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	01/29/2008	(615145)
2	08/11/2008	(683170)
3	04/03/2009	(741079)
4	05/26/2009	(746221)
5	05/28/2010	(763500)
6	01/10/2011	(887772)
7	08/31/2011	(948987)

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

Date: 08/12/2008 (683170) CN600626675

Self Report? NO Classification: Minor

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

Description: Failed to provide an up-to-date plant operations manual for operator review and reference, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failed ensure the Facility's operating records are available and accessible for review during an inspection, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)

Description: Failure to have records of customer service inspections performed within the system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)

Description: Failure to have records of dead-end main flushing.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failed to secure sanitary control easements covering all property within 150 feet of the wells, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor

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

Description: Failed to calibrate the Facility's well meters at least once every three years, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)

Description: Failed to provide a total storage capacity of 200 gallons per connection, as documented during an investigation conducted on May 19, 2009.

Date: 01/10/2011 (887772)

CN600626675

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(l)
Description: Failed to provide an up-to-date plant operations manual for operator review and reference, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(ii)(III)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
30 TAC Chapter 290, SubChapter D 290.46(f)(3)(E)(iv)
Description: Failed ensure the Facility's operating records are available and accessible for review during an inspection, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failed to secure sanitary control easements covering all property within 150 feet of the wells, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failed to calibrate the Facility's well meters at least once every three years, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to provide a total well capacity of 0.6 gallons per minute ("gpm") per connection, as documented during an investigation conducted on May 19, 2009.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(ii)
5A THSC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to provide a total storage capacity of 200 gallons per connection, as documented during an investigation conducted on May 19, 2009.

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

THIS PAGE INTENTIONALLY LEFT BLANK

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
BUCHANAN LAKE VILLAGE, INC.;
RN101224988**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2011-1670-PWS-E

At its _____ agenda meeting, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties (the "Agreed Order"), resolving an enforcement action regarding BUCHANAN LAKE VILLAGE, INC. ("Respondent") under the authority TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and Respondent presented this Agreed Order to the Commission.

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

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

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

FINDINGS OF FACT

1. Respondent owns and operates a public water system located at 512 Frazier Street in Llano, Llano County, Texas (the "Facility"). The Facility provides water for human consumption, has 211 service connections, and serves at least 25 people per day for at least 60 days per year. As such, the Facility is a public water system as defined in 30 TEX. ADMIN. CODE § 290.38(66).
2. During an investigation conducted on July 28, 2011, a TCEQ Austin Regional Office investigator documented that Respondent:
 - a. Failed to provide a well capacity of 0.6 gallons per minute ("gpm") per connection. Specifically, the Facility has 211 service connections that require a minimum well production capacity of 127 gpm; however, the Facility is providing 107 gpm in well capacity, which is a 16% deficiency;

- b. Failed to obtain a sanitary control easement for all land within 150 feet of Well Nos. 1 and 2;
 - c. Failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection. Specifically, the Facility has 211 service connections that require a total service pump capacity of 422 gpm; however, the Facility provides only a total service pump capacity of 260 gpm, which is a 38% deficiency;
 - d. Failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan. Specifically, Respondent was using certain microbiological sampling sites more frequently than others; and
 - e. Failed to provide an intruder-resistant fence to protect the Facility's well sites. Specifically, some sections of the fence have gaps between the bottom of the fence and the ground that are high enough to allow access to the Facility.
3. Respondent received notice of the violations on or about September 5, 2011.

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 provide a well capacity of 0.6 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(i) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.e.ii.
3. As evidenced by Finding of Fact No. 2.b., Respondent failed to obtain a sanitary control easement for all land within 150 feet of Well Nos. 1 and 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2009-0971-PWS-E, Ordering Provision No. 2.c.ii.
4. As evidenced by Finding of Fact No. 2.c., Respondent failed to provide two or more service pumps having a total capacity of 2.0 gpm per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(C)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
5. As evidenced by Finding of Fact No. 2.d., Respondent failed to collect distribution coliform samples at locations specified in the Facility's monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.109(c)(1)(B).
6. As evidenced by Finding of Fact No. 2.e., Respondent failed to provide an intruder-resistant fence to protect the Facility's well sites, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O).
7. 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.
8. An administrative penalty in the amount of one thousand five hundred seventy-five dollars (\$1,575.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049.

Respondent paid one hundred seventy-five dollars (\$175.00) of the administrative penalty. The remaining amount of one thousand four hundred dollars (\$1,400.00) of the administrative penalty shall be payable in fourteen (14) monthly payments of one hundred dollars (\$100.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall be paid not later than 30 days following the due date of the previous payment. If Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, including the payment schedule, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, Respondent's failure to meet the payment schedule of this Agreed Order constitutes the failure by Respondent to timely and satisfactorily comply with all of the terms of this Agreed Order.

ORDERING PROVISIONS

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

1. Respondent is assessed an administrative penalty as set forth in Conclusion of Law No. 8, above, 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 Agreed Order resolve only the matters set forth by this Agreed Order in this action. The Commission shall not be constrained in any manner from considering or requiring corrective actions or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: BUCHANAN LAKE VILLAGE, INC., Docket No. 2011-1670-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

2. Respondent shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of this Agreed Order, Respondent shall begin collecting distribution coliform samples at locations specified in the Facility's monitoring plan, in accordance with 30 TEX. ADMIN. CODE § 290.109(c) (Conclusion of Law No. 5); and
 - b. Within 25 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.a.
 - c. Within 90 days after the effective date of this Agreed Order, Respondent shall:
 - i. Ensure that all well sites are provided with a properly constructed intruder-resistant fence, including but not limited to, ensuring there are no gaps between the bottom of the fence and the ground along the section adjacent to the Facility, in accordance with 30 TEX. ADMIN. CODE § 290.41(c)(3)(O) (Conclusion of Law No. 6); and

- ii. Obtain a sanitary control easement that covers all land within 150 feet of Well Nos. 1 and 2, in accordance with 30 TEX. ADMIN. CODE § 290.41(4)(c)(1)(F) (Conclusion of Law No. 3).
- d. Within 105 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.c.
- e. Within 180 days after the effective date of this Agreed Order, Respondent shall:
 - i. Provide a minimum well capacity of 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45(b)(1) (Conclusion of Law No. 2); and
 - ii. Provide two or more service pumps having a total capacity of 2.0 gpm per connection, in accordance with 30 TEX. ADMIN. CODE § 290.45(b)(1) (Conclusion of Law No. 4).
- f. Within 195 days after the effective date of this Agreed Order, Respondent shall submit written certification, as described in Ordering Provision No. 3.g. below, to demonstrate compliance with Ordering Provision No. 3.e.
- g. The certifications required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be notarized by a State of Texas Notary Public, and shall include the following certification language:

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

Respondent shall submit the written certifications and supporting documentation necessary to demonstrate compliance with these Ordering Provisions to:

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

and:

Carolyn Runyon, Water Section Manager
Texas Commission on Environmental Quality
Austin Regional Office
2800 S. IH 35, Ste. 100
Austin TX 78704-5700

3. All relief not expressly granted in this Agreed Order is denied.
4. The duties and provisions imposed by this Agreed Order shall apply to and be binding upon Respondent. Respondent is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until Respondent receives written approval from the Executive Director.
6. The determination of what constitutes good cause rests solely with the Executive Director.
7. 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 Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. This Agreed Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this Agreed Order may be copied, scanned, digitized, converted to electronic portable document format ("pdf"), or otherwise reproduced and may be transmitted by digital or electronic transmission, including but not limited to facsimile transmission and electronic mail. Any signature affixed to this Agreed Order shall constitute an original signature for all purposes and may be used, filed, substituted, or issued for any purpose for which an original signature could be used. The term "signature" shall include manual signatures and true and accurate reproductions of manual signatures created, executed, endorsed, adopted, or authorized by the person or persons to whom the signatures are attributable. Signatures may be copied or reproduced digitally, electronically, by photocopying, engraving, imprinting, lithographing, electronic mail, facsimile transmission, stamping, or any other means or process which the Executive Director deems acceptable. In this paragraph exclusively, the terms "electronic transmission" "owner" "person" "writing" and "written" shall have the meanings assigned to them under TEX. BUS. ORG. CODE § 1.002.
10. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand delivery of this Agreed Order to Respondent, or three days after the date on which the Commission mails notice of this Agreed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

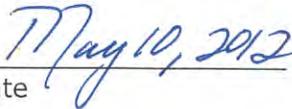
SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

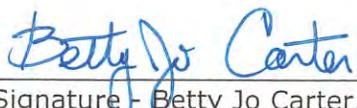

Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of BUCHANAN LAKE VILLAGE, INC., 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 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;
- 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, I understand that any falsification of any compliance documents may result in criminal prosecution.



Signature - Betty Jo Carter, President
BUCHANAN LAKE VILLAGE, INC.


Date