EXECUTIVE SUMMARY – ENFORCEMENT MATTER – CASE NO. 42539
BUCHANAN LAKE VILLAGE, INC.
RN101224988
Docket No. 2013-1410-PWS-E

Order Type:
Findings Agreed Order

Findings Order Justification:
Indifference to legal duty based on violation of a previous order.

Media:
Public Water System ("PWS")

Small Business:
Yes

Location(s) Where Violation(s) Occurred:
512 Frazier Street, Tow, 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 27, 2015

Comments Received: None

Penalty Information

Total Penalty Assessed: $137

Total Paid to General Revenue: $137

Total Due to General Revenue: $0

Supplemental Environmental Project ("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: May 21, 2013; July 23, 2013

Date(s) of NOV(s): February 13, 2013

Date(s) of NOE(s): July 24, 2013

Violation Information

1. Failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1 [30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-1670-PWS-E, Ordering Provision No. 2.c.ii.].
2. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition (water leaking from the ground storage tank) [30 TEX. ADMIN. CODE § 290.46(m)(4)].

Corrective Actions/Technical Requirements

Corrective Action(s) Completed:
Fixed the leak from the ground storage tank as of August 12, 2014.

Technical Requirements:
1. Within 90 days, either obtain a sanitary control easement that covers all land within 150 feet of Well No. 1 or obtain Commission approval of an exception to the easement requirement.
2. Within 105 days, submit written certification to demonstrate compliance.

Litigation Information

Date Petition(s) Filed: November 18, 2013; December 17, 2013

Date Answer Filed: May 28, 2014

SOAH Referral Date: July 1, 2014

Hearing Date(s):
Preliminary Hearing: September 4, 2014
Evidentiary Hearing: February 17, 2015 (scheduled)

Settlement Date: February 6, 2015

Contact Information

TCEQ Attorneys: Jennifer Cook, Litigation Division, (512) 239-3400
Lena Roberts, Litigation Division, (512) 239-3400
Garrett Arthur, Public Interest Counsel, (512) 239-6363

TCEQ Enforcement Coordinator: Epifanio Villarreal, Enforcement Division, (361) 825-3425

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

Respondent Contact: William W. Carter, President, BUCHANAN LAKE VILLAGE, INC., P.O. Box 5128, Jonestown, Texas 78645

Respondent's Attorney: N/A

Penalty Calculation Worksheet (PCW)

Policy Revision 3 (September 2011) *PCW Revision August 3, 2011*

DATES					
Assigned	29-Jul-2013				
PCW	29-Jan-2015	Screening	29-Jul-2013	EPA Due	

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	2
Docket No.	2013-1410-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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* **$80**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **72.0%** Enhancement *Subtotals 2, 3, & 7* **$57**

Notes: Enhancement for one NOV with same/similar violations, one NOV with dissimilar violations, two agreed orders with a denial of liability, and one agreed order without 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 $76
Approx. Cost of Compliance $1,020

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **$137**

OTHER FACTORS AS JUSTICE MAY REQUIRE **0.0%** *Adjustment* **$0**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount **$137**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **$137**

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 **$137**

Screening Date	29-Jul-2013	**Docket No.**	2013-1410-PWS-E	**PCW**
Respondent	BUCHANAN LAKE VILLAGE, INC.			*Policy Revision 3 (September 2011)*
Case ID No.	42539			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101224988			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

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 (*number of NOVs meeting criteria*)	1	5%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 72%

>> 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 one NOV with same/similar violations, one NOV with dissimilar violations, two agreed orders with a denial of liability, and one agreed order without a denial of liability.

Total Compliance History Adjustment Percentage (Subtotals 2, 3, & 7) 72%

>> Final Compliance History Adjustment

Final Adjustment Percentage ****capped at 100%*** 72%

Screening Date	29-Jul-2013	**Docket No.**	2013-1410-PWS-E	**PCW**
Respondent	BUCHANAN LAKE VILLAGE, INC.			*Policy Revision 3 (September 2011)*
Case ID No.	42539			*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101224988			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 290.46(m)(4)

Violation Description Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the July 23, 2013 investigation, water was leaking from the base of the ground storage tank.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 5.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to maintain the Facility's appurtenances in a watertight condition could allow a significant amount of contaminants to enter the Facility which would not exceed levels protective of human health.

Adjustment $950

$50

Violation Events

Number of Violation Events 1 | 6 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $50

One quarterly event is recommended, from the date of the investigation, July 23, 2013, to the date of screening, July 29, 2013.

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

Estimated EB Amount $74

Statutory Limit Test

Violation Final Penalty Total $86

This violation Final Assessed Penalty (adjusted for limits) $86

Economic Benefit Worksheet

Respondent BUCHANAN LAKE VILLAGE, INC.
Case ID No. 42539
Reg. Ent. Reference No. RN101224988
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$1,000	23-Jul-2013	12-Aug-2014	1.05	$4	$70	$74
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 repair the leak from the base of the ground storage tank, 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 $1,000

TOTAL $74

Screening Date	29-Jul-2013	**Docket No.** 2013-1410-PWS-E	**PCW**
Respondent	BUCHANAN LAKE VILLAGE, INC.		*Policy Revision 3 (September 2011)*
Case ID No.	42539		*PCW Revision August 3, 2011*
Reg. Ent. Reference No.	RN101224988		
Media [Statute]	Public Water Supply		
Enf. Coordinator	Epifanio Villarreal		

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-1670-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 No. 1.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 3.0%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0.0%

Matrix Notes: Failure to have a sanitary control easement in place could allow activites 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 $970

$30

Violation Events

Number of Violation Events: 1 — 402 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $30

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 $30

Economic Benefit (EB) for this violation

Estimated EB Amount $3

Statutory Limit Test

Violation Final Penalty Total $52

This violation Final Assessed Penalty (adjusted for limits) $52

Economic Benefit Worksheet

Respondent BUCHANAN LAKE VILLAGE, INC.
Case ID No. 42539
Reg. Ent. Reference No. RN101224988
Media Public Water Supply
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)	$20	22-Jun-2012	1-May-2014	1.86	$0	$2	$3
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 No. 1, calculated from the effective date of TCEQ Agreed Order Docket No. 2011-1670-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 $20

TOTAL $3

The TCEQ is committed to accessibility.
To request a more accessible version of this report, please contact the TCEQ Help Desk at (512) 239-4357.

Compliance History Report

PUBLISHED Compliance History Report for CN600626675, RN101224988, Rating Year 2012 which includes Compliance History (CH) components from September 1, 2007, through August 31, 2012.

Customer, Respondent, or Owner/Operator: CN600626675, BUCHANAN LAKE VILLAGE, INC. **Classification:** NOT APPLICABLE **Rating:** N/A
Regulated Entity: RN101224988, BUCHANAN LAKE VILLAGE **Classification:** NOT APPLICABLE **Rating:** N/A
Complexity Points: N/A **Repeat Violator:** N/A
CH Group: 07 - Solid Waste Landfills
Location: 512 Frazier Street, Llano County, Texas
TCEQ Region: REGION 11 - AUSTIN
ID Number(s): **PUBLIC WATER SYSTEM/SUPPLY** REGISTRATION 1500003
Compliance History Period: September 01, 2007 to August 31, 2012 **Rating Year:** 2012 **Rating Date:** 09/01/2012
Date Compliance History Report Prepared: July 29, 2013
Agency Decision Requiring Compliance History: Enforcement
Component Period Selected: July 29, 2008 to July 29, 2013

TCEQ Staff Member to Contact for Additional Information Regarding This Compliance History.
Name: Epi Villarreal **Phone:** (361) 825-3425

Site and Owner/Operator History:

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 for #2, who is the current owner/operator? N/A
4) If YES for #2, who was/were the prior owner(s)/operator(s)? N/A
5) If YES, when did the change(s) in owner or operator occur? N/A

Components (Multimedia) for the Site Are Listed in Sections A - J

A. Final Orders, court judgments, and consent decrees:

1 Effective Date: 08/29/2008 ADMINORDER 2008-0285-PWS-E (1660 Order-Agreed Order With Denial)
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.

2 Effective Date: 12/18/2009 ADMINORDER 2009-0971-PWS-E (1660 Order-Agreed Order With Denial)
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.

3 Effective Date: 06/22/2012 ADMINORDER 2011-1670-PWS-E (Findings Order-Agreed Order Without Denial)

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(i)
Rqmt Prov: O.P.2.e.ii. ORDER
Description: The water system failed to provide the minimum required well production capacity. The total production capacity of Wells 1 and 2 at the time of the investigation was 107 gpm. A minimum production capacity of 126 gpm is required. Failure to comply with Commission Order Docket No. 2009-0971-PWS-E.

Classification: Major
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Rqmt Prov: O.P.2.c.ii. ORDER
Description: he water system failed to obtain sanitary control easements covering land within 150 feet of Wells 1 and 2. Failure to comply with Commission Order Docket No. 2009-0971-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: The water system failed to provide the minimum required service pump capacity. The system has a total service pump capacity of 260 gpm. A minimum service pump capacity of 422 gpm is required.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.109(c)(1)(B)
Description: The water system failed to collect distribution coliform samples at locations specified in the system's monitoring plan. Specifically, certain sampling locations were used more frequently than others.

Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)
Description: The water system failed to maintain the security fence. Gaps were present between the bottom of the fence and the ground that were high enough to allow access to the facilities.

B. Criminal convictions:

N/A

C. Chronic excessive emissions events:

N/A

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

N/A

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

A notice of violation represents a written allegation of a violation of a specific regulatory requirement from the commission to a regulated entity. A notice of violation is not a final enforcement action, nor proof that a violation has actually occurred.

1 Date: 02/13/2013 (1053324) CN600626675

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)
Description: Failure to maintain all water treatment units, storage and pressure maintenance facilities, distribution systems, and related appurtenances in a watertight condition.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.42(m)
30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to enclose the water treatment plant and all appurtenances by an intruder-resistant fence, and failure to lock the gates when the plant is unattended.

2 Date: 04/25/2013 (1094984) CN600626675

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.122(c)(2)(A)
30 TAC Chapter 290, SubChapter F 290.122(f)
Description: DEC/2012 TCR Routine MR PN Posting and Reporting Violation - Failure to submit a signed certificate of delivery to the Executive Director certifying that public notice was issued pursuant to 30 Tex. Admin. Code §290.122 during the time period that public notice was required for failing to conduct routine coliform monitoring for the month of 12/2012.

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	**§**	**BEFORE THE**
ENFORCEMENT ACTION	**§**	
CONCERNING	**§**	**TEXAS COMMISSION ON**
BUCHANAN LAKE VILLAGE, INC.;	**§**	
RN101224988	**§**	**ENVIRONMENTAL QUALITY**

AGREED ORDER

DOCKET NO. 2013-1410-PWS-E

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

Respondent understands that it has certain procedural rights at certain points in the enforcement process, including 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 Order, Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated agreement of the parties. The provisions of this Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this 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 Tow, Llano County, Texas (the "Facility"). The Facility provides water for human consumption, has approximately 227 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 a record review conducted on May 21, 2013, TCEQ staff documented that Respondent failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1.

3. During an investigation conducted on July 23, 2013, a TCEQ Austin Regional Office investigator documented that Respondent failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, water was leaking from the base of the ground storage tank.

4. The Executive Director recognizes that Respondent fixed the leak from the ground storage tank as of August 12, 2014.

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 TCEQ.

2. As evidenced by Finding of Fact No. 2, Respondent failed to obtain a sanitary control easement for all land within 150 feet of Well No. 1, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F) and TCEQ Agreed Order Docket No. 2011-1670-PWS-E, Ordering Provision No. 2.c.ii.

3. As evidenced by Finding of Fact No. 3, Respondent failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).

4. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, TCEQ has the authority to assess an administrative penalty against Respondent for violations of state statutes within TCEQ's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.

5. An administrative penalty in the amount of one hundred thirty-seven dollars ($137.00) 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. Respondent paid one hundred thirty-seven dollars ($137.00) of the penalty.

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. 5 for violations of state statutes and rules of the TCEQ. The payment of this penalty and Respondent's compliance with all requirements set forth in this Order resolve only 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 violations which are not raised here.

2. Respondent shall undertake the following technical requirements:

   a. Within 90 days after the effective date of this Order, either obtain a sanitary control easement that covers all land within 150 feet of Well No. 1, in accordance with 30 TEX. ADMIN. CODE § 290.41, or obtain Commission approval of an exception to the easement requirement pursuant to 30 TEX. ADMIN. CODE § 290.39(l). All exception requests shall be sent to:

      Technical Review and Oversight Team
      Water Supply Division, MC 159
      Texas Commission on Environmental Quality
      P.O. Box 13087
      Austin, Texas 78711-3087

   b. Within 105 days after the effective date of this Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. The certification required by these Ordering Provisions shall be accompanied by detailed supporting documentation, including photographs, receipts, and/or other records, shall be signed by Respondent, 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 certification 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:

Section Manager, Public Drinking Water Section
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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. Respondent is ordered to give notice of this Order to personnel who maintain day-to-day control over the Facility operations referenced in this Order.

5. The Executive Director may grant an extension of any deadline in this Order or in any plan, report, or other document submitted pursuant to this Order, upon a written and substantiated showing of good cause. All requests for extensions by 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. Extension requests shall be sent to the Order Compliance Team at the address listed above.

6. This Order, issued by the Commission, shall not be admissible against Respondent in a civil proceeding, unless the proceeding is brought by the Office of the Attorney General of the State of Texas ("OAG") to: (1) enforce the terms of this Order; or (2) pursue violations of a statute within TCEQ's jurisdiction, or of a rule adopted or an order or permit issued by TCEQ under such a statute. The Executive Director may, without further notice or hearing, refer this matter to the 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 Order.

7. The provisions of this Order are deemed severable, and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Order unenforceable, the remaining provisions shall be valid and enforceable.

8. 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.

9. This Order may be executed in separate and multiple counterparts, which together shall constitute a single instrument. Any page of this 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 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 Order is the date of hand delivery of the fully executed Order to Respondent, or three days after the date on which the Commission mails a copy of the fully executed Order to Respondent, whichever is earlier. The Chief Clerk shall provide a copy of the fully executed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ April 13, 2015
For the Executive Director Date

I, the undersigned, have read and understand the attached Order. I am authorized to agree to the attached Order, 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.

_____ 2-6-15
Signature – William W. Carter, President Date
BUCHANAN LAKE VILLAGE, INC.
P.O. Box 5128
Jonestown, Texas 78645

☐ *If mailing address has changed, please check this box and provide the new address below:*

_____