

**SOAH DOCKET NO. 582-07-3289  
TCEQ DOCKET NO. 2006-1730-PWS-E**

**EXECUTIVE DIRECTOR OF THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY,  
Petitioner**

**VS.**

**DOUBLE DIAMOND UTILITIES CO.  
D/B/A WHITE BLUFF COMMUNITY  
WATER SYSTEM,**

**Respondent**

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**BEFORE THE STATE OFFICE**

**OF**

**ADMINISTRATIVE HEARINGS**

**PROPOSAL FOR DECISION**

**I. INTRODUCTION**

The Executive Director (ED) of the Texas Commission on Environmental Quality (Commission or TCEQ) brought this enforcement action, asserting that Double Diamond Utilities Co. dba White Bluff Community Water System (Double Diamond) violated 30 TEX. ADMIN. CODE (TAC) §§ 290.122(a)(2) and 290.46(q) by failing to issue a boil-water notification within 24 hours of a loss of distribution system pressure on June 9, 2006. The ED sought assessment of a \$250.00 administrative penalty as well as certain corrective actions.

The ALJ concluded that the ED established that Respondent violated the TCEQ rule concerning boil-water notifications. The recommended penalty of \$250.00 is consistent with the TEX. HEALTH & SAFETY CODE ANN. provisions and Commission rules and policy that govern enforcement actions by the Commission. The Commission should find that the violation occurred, assess Respondent an administrative penalty of \$250.00, and require the corrective action requested by the ED.

## II. PROCEDURAL HISTORY, JURISDICTION, AND NOTICE

Administrative Law Judge (ALJ) Thomas H. Walston convened a hearing on the merits on January 24, 2008, at the State Office of Administrative Hearings (SOAH) in Austin, Texas. Staff Attorney Ben Thompson represented the ED and attorney Ali Abazari represented Respondent. The record closed at the conclusion of the hearing the same day. The parties jointly waived the preliminary hearing and did not dispute jurisdiction or notice. Undisputed procedural facts are set out in Findings of Fact in the Proposed Order.

## III. DISCUSSION

### A. Applicable Law

The Commission's rules at 30 TAC § 290.46(q) require a water system owner to issue a boil-water notification to its customers within 24 hours in the event of a water outage, a distribution pressure drop below 20 pounds per square inch (psi), or other conditions that indicate the potability of water has been compromised. In addition, 30 TAC § 290.122(a)(1)(F) requires the owner or operator of a public water system to notify persons served by their system of any treatment technique violation that poses an acute threat to public health, including any violation deemed by the ED to pose an acute risk to human health.

### B. Parties' Evidence and Arguments

There is no dispute that on June 9, 2006, Respondent's water system developed a leak and had a drop in water pressure on its distribution system or that Respondent did not issue a boil-water notice to its customers until June 14, 2006, after the Commission investigated customer complaints. Respondent does dispute, however, whether a water outage occurred or whether the pressure on its distribution system dropped below 20 psi.

## 1. Executive Director's Evidence

The ED introduced documentary evidence and called four witnesses: Michael Angel, Johnnie Weatherman, Milton Bergman, and Marlin Bullard.

Michael Angel: Mr. Angel is an environmental investigator who has worked for the TCEQ for four years. He has conducted approximately 300 investigations and estimated that ten percent were related to water pressure/boil-water notice issues. Mr. White testified that he investigated White Bluff Water System after the Commission received five complaints of no water and/or low water pressure over a two-day period. On June 13, 2006, he went to the residence of Mr. Johnnie Weatherman, one of the complainants, who lived in the gated community served by Respondent. He tested the residual chlorine level in the water at Mr. Weatherman's house and found it at a good level. After confirming that Mr. Weatherman's house did not have a filter system or water running inside, Mr. Angel tested the water pressure on a hose bib outside the house, using a high-quality, properly calibrated gauge. The water pressure at the bib tested 8 psi. Mr. Weatherman also measured the pressure with his own gauge, which showed nearly the same reading. Although the water appeared to flow adequately, Mr. Angel stated that flow does not necessarily reflect pressure levels. He did not measure the water pressure directly on a distribution line because he did not know of any access point, and normal procedure is to investigate at the site of the complaint.

Mr. Angel testified that he contacted Mr. Richard Tuck of Double Diamond, who said that he thought the water pressure was adequate and that no boil-water notice had been issued. Mr. Angel then prepared his report and sent it to his supervisor, who forwarded it to enforcement.

On cross-examination, Mr. Angel explained that the Commission received five complaints concerning Respondent between June 12-13. Three only reported low water pressure, while two reported incidents of both low pressure beginning June 8th and no water for a time on June 10th. Three of the complainants also filed sworn affidavits, but Mr. Angel did not rely on one of these,

which only reported low pressure on June 14th, after Respondent issued its boil-water notice. The two affidavits relied on by Mr. Angel to conclude that Respondent's water pressure dropped below 20 psi on June 9th were given by Mr. Weatherman and Mr. Bergman, both of whom testified at the hearing. Mr. Angel also relied on his inspection and pressure measurement on June 13th to corroborate the witness statements, but he agreed that the pressure test was on Mr. Weatherman's house and not directly on the distribution system. He added that he did not notice anything unusual about Mr. Weatherman's plumbing system.

In Mr. Angel's opinion, any event that resulted in water pressure under 20 psi required a boil-water notice, even if it was measured on only one house. He believed that the pressure he detected at Mr. Weatherman's house on June 13th reflected the pressure on the distribution system. When he notified Respondent of his 8 psi pressure finding on June 13th, Respondent immediately issued a boil-water notice. Therefore, Mr. Angel's measurement on June 13th is not the direct basis of this disciplinary action; rather, it is based on citizen complaints of low pressure on June 9th, corroborated by his measurements on June 13th.

John Weatherman: Mr. Weatherman lives in Whitney, Texas, and his home receives water service from Double Diamond Utilities. He has had problems with his water in the past, so Mr. Weatherman owns a pressure gauge and has kept a log of water pressure for about 10 years. On the morning of Friday, June 9, 2006, Mr. Weatherman had only a trickle of water from his faucet and his gauge measured zero psi pressure. Later that day, he measured a high pressure of 18 psi. He called the security guard for the subdivision, who said a transformer had blown, and he called Todd at Double Diamond, who said water pressure would build overnight.

On Saturday, June 10th, Mr. Weatherman had no water and was told that water had been turned off. As a result, he had to get water from the swimming pool to flush his toilets. On Sunday, June 11th, Mr. Weatherman had a little water. He called Todd at Double Diamond, who said the pumps could not fill the storage tanks and they would haul in potable water. Todd also told him that

a boil-water notice had not been issued because the water was heavily chlorinated. Mr. Weatherman had some water on Monday, June 12th, but the high pressure for the day was 4 psi, so he called TCEQ to file a complaint.

Mr. Weatherman testified that when he checked his water pressure between June 9th and 13th, he had no problems with his plumbing, no other water running in the house, and no filters or other devices that would affect his pressure. Normally, he measured the pressure early in the morning, and around 10:00 a.m., 2:00 p.m., and 4:00 p.m. Mr. Weatherman stated that on June 13th, when Mr. Angel came to his house, he still had no water and his gauge measured 10 psi. He also confirmed that Double Diamond did not post a boil-water notice through June 13th.

On cross examination, Mr. Weatherman acknowledged that he had a prior lawsuit against Mr. Mike Ward, who is president of Double Diamond and the property owners' association. He also said he filed one additional complaint during 2007 for no water.

Milton Bergman: Mr. Bergman lives in the same subdivision as Mr. Weatherman and receives his water service from Double Diamond. He testified that when he returned home from an out-of-town trip on the evening of Friday, June 9, 2006, his water pressure was too weak to take a shower and the toilet was very slow to refill. The next morning he called security at the subdivision gate, and a few days later called TCEQ when he became concerned with the ongoing problem.

Mr. Bergman stated that he did not check his pressure with a gauge, but the pressure was much less than normal; he barely had a dribble from the shower, and on Saturday, June 10th, he had no water at all from the sink or any location in his house. This lasted until at least noon that day, when he left his house for the rest of the day. The security guard told him that Double Diamond was aware of the problem and was working on it. On June 11th, Mr. Bergman had some pressure, but it was low. He recalled that at church that morning, his friends joked about not getting too close to each other because no one had been able to shower. He also left his home that afternoon to visit

relatives, as it was his birthday. By Monday, June 12th, the pressure had improved but was still very low. Mr. Bergman estimated that it was only 10-20 percent of normal and said it was not sufficient to do usual household functions. He also testified that Double Diamond did not post a boil-water notice during any of these days. On Tuesday, June 13th, Mr. Bergman reported the problems to the TCEQ Waco office, and he later submitted an affidavit to confirm his complaint.

On cross-examination, Mr. Bergman acknowledged that he does not have a pressure gauge and could not testify as to the exact water pressure at his home.

Marlin Bullard: Mr. Bullard has worked as an Enforcement Coordinator for TCEQ since 2005. He calculated the penalty and processed the enforcement order for this case. Based on the penalty calculation worksheet and the Commission's rules, he determined that a \$250.00 penalty was appropriate and that Respondent should be required to adopt a policy to prevent future similar violations. On cross-examination, Mr. Bullard stated that the ED's complaint is based on citizen collected evidence of low pressure and a water outage and the failure to issue a boil-water notice.

## **2. Respondent's Evidence**

Respondent offered documentary evidence and testimony from Mr. Richard Zint.

Richard Zint: Mr. Richard Zint is currently the Utility Manager for the White Bluff Resort and is aware of the events in June 2006. He explained that the White Bluff water system has four wells and two standpipes of 67,000 gallons and 97,000 gallons, located at two well sites. He noted that Mr. Weatherman's house is located about 1.5 miles from Well Site No. 1, which normally serves his house. However, the system is set up so that it can be supported by either well site alone in the event the other goes out of service.

Mr. Zint testified that on June 8, 2006, a transformer went out that took Well No. 2 off line. Hill County Electric fixed the transformer around 4:00 a.m. on June 9th. Mr. Zint arrived at Well Site No. 1 around 7:00 a.m. that day and took pressure readings. Well Site No. 1 had 35 psi while Well Site No. 2 had 64 psi. He also noted that the ground storage tank at Well Site No. 1 was very low, which indicated a leak, and later a leak was detected on the system near Well No. 2 that was repaired over the next few days. Mr. Zint testified that he and other employees manually operated the switches on the pumps to maintain pressure, as the automatic switches would turn off the pumps after a time to avoid over-draining the water field. He acknowledged that pressure on the system served by Well Site No. 1 were low during this period, averaging about 35 psi (normal pressure was about 60 psi), but Mr. Zint denied that pressure ever dropped below 25 psi. He also denied that the system was ever completely shut off, as the hotel located at the resort was “full of people,” or that he received any complaints of no water.

Mr. Zint stated that Mr. Weatherman has made numerous complaints to Double Diamond over the years. A few days before the hearing Mr. Zint inspected Mr. Weatherman’s plumbing system and observed that he had a homemade yard sprinkler system connected to the hose bib on the house. This system also supplied a second faucet attached to an upright section of PVC piping. In Mr. Zint’s opinion, this homemade sprinkler system could cause a loss of pressure between the house’s hose bib and the faucet attached to the PVC piping. In addition, Mr. Zint simultaneously measured the pressure on Mr. Weatherman’s house and on a flush valve on the distribution system across the street from the house between January 19-22, 2008. This showed the pressure on the distribution system was about 50-55 psi while the pressure on Mr. Weatherman’s house ranged from 0 psi to about 15 psi. Mr. Zint testified that these results indicate a problem with the plumbing at Mr. Weatherman’s house.

On cross-examination, Mr. Zint agreed that residents reported low pressure to the security guard for the subdivision rather than directly to Double Diamond. He also acknowledged that both Mr. Weatherman and Mr. Bergman made complaints of no water, but he denied that water was ever

shut off to the subdivision. He also added that chlorine levels remained appropriate throughout this period.

### **3. Parties' Arguments**

Staff argued that the evidence established a loss of pressure on the Double Diamond water system between June 9–13, 2006. Staff pointed out that Respondent acknowledged that it had problems with a blown transformer and water leak, and Double Diamond's pressure log kept by Mr. Zint showed a severe drop in pressure. Although Double Diamond's log did not show a pressure reading less than 25 psi, Staff pointed out that Mr. Zint measured pressure only once per day while pressure fluctuates on a system throughout the day. In contrast, Mr. Weatherman took pressure readings several times each day, and these showed pressure well below 20 psi. Staff also emphasized that Mr. Bergman's testimony paralleled Mr. Weatherman's, including testimony of a water outage, and there is no evidence of problems with Mr. Bergman's plumbing system.

Double Diamond emphasized that only four complaints were received by TCEQ, and it argues that Mr. Weatherman had a bias against Double Diamond. It could not explain why Mr. Bergman also had problems, but pointed out that he did not measure the pressure with a gauge and could not specify the psi of the water pressure at his house. Double Diamond stated that it had no problem with issuing a boil-water notice, but it was trying to fix the problems at the time and saw no need to issue a warning. All of the pressure checks it made during the days in question showed 25-35 psi, which was not low enough to require a boil-water notice.

### **C. ALJ's Analysis and Recommendation**

The ALJ finds that the ED established by a preponderance of the evidence that water pressure on Double Diamond's system dropped below 20 psi on June 9, 2006, and that Respondent failed to issue a boil-water notice within 24 hours, as required by 30 TAC § 290.46(q). There is no dispute

that beginning June 8th, Double Diamond had problems with a blown transformer and a water line leak that reduced water pressure on its system, or that Double Diamond did not issue a boil-water notice until June 14th. The only dispute is whether water pressure on the distribution system dropped below 20 psi on June 9th. Mr. Weatherman had only a trickle of water from his faucet that day, and he measured water pressure ranging from zero psi to 18 psi. Further, the evidence showed that Mr. Weatherman's gauge was accurate, as it measured very close to the pressure shown on Mr. Angel's gauge on June 13th. Double Diamond accused Mr. Weatherman of bias, but the ALJ found him credible.

Double Diamond did raise a fact issue about whether some problem with Mr. Weatherman's plumbing system caused his low pressure. However, Mr. Bergman also testified that he had extremely low pressure problems on June 9th – so low that he could not take a shower – and no water pressure on June 10th, the same as Mr. Weatherman. Therefore, the ALJ finds that Mr. Bergman's testimony corroborated Mr. Weatherman's testimony and established that water pressure on the Double Diamond distribution system dropped below 20 psi on June 9, 2006, but Double Diamond did not issue a boil-water notice until June 14, 2006. The ALJ also observes that Mr. Zint testified that the White Bluff Resort had "a hotel full of people" on the weekend of June 10-11th, which gave it an incentive not to issue a boil-water notice so as not to inconvenience the guests.

However, the ALJ does not find that the ED established a violation of 30 TAC § 290.122(a)(2). That rule requires the owner or operator of a public water system to issue a public notice and a boil-water notice within 24 hours after an "acute threat to public health" is identified. Section 290.122(a)(1) lists violations that pose an acute threat to public health, but low water pressure on a distribution system is not one of the items listed. Staff argues that low water pressure is covered by subsection (a)(1)(G), which includes "other violations deemed by the executive director to pose an acute risk to human health." However, Staff offered no evidence that the ED identified low pressure in general, or on Respondent's system in particular, to pose an acute risk to human health until the inspection of Mr. Weatherman's complaint on June 13, 2006. But since

Respondent issued a boil-water notice within 24 hours of the inspector's contact on June 13th, the ALJ finds that Staff did not establish a violation of § 290.122(a)(1).

#### IV. SUMMARY

Based on the preponderance of evidence, the ALJ finds that water pressure on the Double Diamond distribution system dropped below 20 psi on June 9, 2006, and that Double Diamond did not issue a boil-water notice within 24 hours, as required by 30 TAC § 290.46(q). However, the ALJ does not find that Staff established a violation of 30 TAC § 290.122(a)(1). Therefore, ALJ recommends that the Commission adopt the Findings of Fact and Conclusions of Law appearing in the Proposed Order, assess a \$250.00 administrative penalty, and require Respondent to implement policies to ensure that boil-water notices are provided in the future as required by the rules.

**SIGNED February 26, 2008.**

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**THOMAS H. WALSTON  
ADMINISTRATIVE LAW JUDGE  
STATE OFFICE OF ADMINISTRATIVE HEARINGS**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**ORDER**

**Assessing an Administrative Penalty  
Against and Requiring Corrective Action By  
DOUBLE DIAMOND UTILITIES CO. D/B/A  
WHITE BLUFF COMMUNITY WATER SYSTEM  
SOAH DOCKET NO. 582-07-3289  
TCEQ DOCKET NO. 2007-1730-PWS-E**

On \_\_\_\_\_, the Texas Commission on Environmental Quality (Commission or TCEQ) considered the Executive Director's First Amended Report and Petition (EDFAPRP) recommending that the Commission enter an enforcement order assessing an administrative penalty against and requiring corrective action by Double Diamond Utilities Co. d/b/a White Bluff Community Water System (Respondent). Thomas H. Walston, an Administrative Law Judge (ALJ) with the State Office of Administrative Hearings (SOAH), conducted a public hearing on this matter on January 24, 2008, in Austin, Texas, and presented the Proposal for Decision.

The following are parties to the proceeding: Respondent, represented by attorney Ali Abazari, and the Commission's Executive Director (ED), represented by Ben Thompson, an attorney in TCEQ's Litigation Division.

After considering the ALJ's Proposal for Decision, the Commission makes the following Findings of Fact and Conclusions of Law:

## I. FINDINGS OF FACT

1. Respondent operates a public water supply system (the Facility) that provides treated well water to at least 25 people per day for at least 60 days per year. The Facility has approximately 446 service connections.
2. The Facility is located at 16 White Bluff Drive, Whitney, Hill County, Texas.
3. During June 12-13, 2006, the Commission received five complaints from customers of the Facility of no water and/or low water pressure beginning June 8, 2006.
4. On June 13, 2006, a TCEQ Waco Regional Field Office investigator determined that water pressure at a residence owned by Mr. John Weatherman, served by the Facility, was 8 pounds per square inch (psi).
5. On June 9, 2006, Mr. Weatherman measured water pressure at his residence ranging from zero psi to a high of 18 psi.
6. On June 9, 2006, the water pressure at another residence served by the facility and owned by Mr. Milton Bergman had only a dribble of water from the shower and inadequate pressure to perform household functions.
7. The water pressure on the Facility's distribution system dropped below 20 psi on June 9, 2006.
8. Respondent did not issue a boil-water notice within 24 hours of the water pressure dropping below 20 psi on the Facility's distribution system on June 9, 2006.
9. On March 28 and July 18, 2007, the ED served the original EDPRP and the EDFAPRP, respectively, on Respondent, alleging that Respondent violated 30 TEX. ADMIN. CODE (TAC)

§§ 290.122(a)(2) and 290.46(q) by failing to issue a boil-water notice within 24 hours after the distribution pressure on the Facility dropped below 20 psi on June 9, 2006.

10. Respondent's failure to issue a timely boil-water notice resulted in potential major harm to human health.
11. Respondent's failure to issue a timely boil-water notice did not result in actual harm to human health.
12. The base penalty for a single event of failing to timely issue a boil- water notice is \$1,000.00.
13. Respondent immediately issued a boil-water notice after being informed by the TCEQ investigator of the low water pressure measured on June 13, 2006.
14. Respondent did not have any prior similar enforcement actions against it.
15. Because no actual harm occurred from the violation, the \$1,000.00 base penalty was reduced pursuant to the Commission's Environmental, Property, and Human Health Matrix (Matrix) to a violation base penalty of \$250.00, based on potential major harm to human health.
16. An administrative penalty of \$250.00 takes into account culpability, economic benefit, good faith efforts to comply, compliance history, and other factors set forth in TEX. HEALTH & SAFETY CODE ANN. § 341.049(b) and in the Commission's 2002 Penalty Policy.
17. On April 30, 2007, Respondent requested a contested case hearing on both allegations in the EDPRP.
18. On June 12, 2007, the case was referred to SOAH for a hearing.
19. On June 26, 2007, the Commission's Chief Clerk issued notice of the hearing to all parties, which included the date, time, and place of the hearing, the legal authority under which the hearing was being held, and the violations asserted.

20. The parties jointly waived the preliminary hearing scheduled for July 19, 2007, and the ED established jurisdiction to proceed on agreed evidence.
21. The hearing on the merits was conducted on January 24, 2008, in Austin, Texas, by ALJ Thomas H. Walston. The record closed at the conclusion of the hearing the same day.
22. Respondent appeared at the hearing through its attorney, Ali Abazari, and the ED appeared at the hearing on the merits through Staff Attorney Ben Thompson.

## **II. CONCLUSIONS OF LAW**

1. Under TEX. HEALTH & SAFETY CODE ANN. § 341.049, the Commission may assess an administrative penalty against any person who violates Chapter 341 of the TEX. HEALTH & SAFETY CODE ANN. or any rule or order adopted or issued thereunder.
2. Under TEX. HEALTH & SAFETY CODE ANN. § 341.049, the penalty may not be less than \$50 nor more than \$1,000 for each violation.
3. The Commission may order the violator to take corrective action to ensure that public drinking water systems supply safe drinking water and are technically sound, in accordance with TEX. HEALTH & SAFETY CODE ANN. § 341.0315.
4. Respondent was appropriately notified of the EDPRP and EDFAPRP and of the opportunity to request a hearing as required by TEX. HEALTH & SAFETY CODE ANN. § 341.049 and 30 TAC §§ 1.11 and 70.104.
5. Respondent was appropriately notified of the hearing on the alleged violations, the proposed penalties, and corrective actions, as required by TEX. GOV'T CODE ANN. § 2001.052, TEX.

HEALTH & SAFETY CODE ANN. § 341.049, 1 TAC § 155.27, and 30 TAC §§ 1.11, 1.12, 39.25, 70.104, and 80.6.

6. SOAH has jurisdiction over matters related to the hearing in this matter, including the authority to issue a Proposal for Decision with Findings of Fact and Conclusions of Law, pursuant to TEX. GOV'T CODE ANN. ch. 2003.
7. Based on the above Findings of Fact and Conclusions of Law, the Respondent violated 30 TAC §290.46(q).
8. Based on the above Findings of Fact and Conclusions of Law, the Respondent did not violate 30 TAC §290.122(a)(2).
9. In determining the amount of an administrative penalty, TEX. HEALTH & SAFETY CODE ANN. § 341.049(b) requires the Commission to consider several factors, including:
  - The nature, circumstances, extent, duration, and gravity of the prohibited act;
  - The history and extent of previous violations by the violator;
  - The violator's degree of culpability, good faith, and economic benefit gained through the violation;
  - The amount necessary to deter future violations; and
  - Any other matters that justice may require.
10. The Commission has adopted a Penalty Policy setting forth its policy regarding the computation and assessment of administrative penalties, effective September 1, 2002.
11. Based on consideration of the above Findings of Fact, the factors set out in TEX. HEALTH & SAFETY CODE ANN. § 341.049(b) and the Commission's Penalty Policy, the recommended penalty of \$250.00 is justified and should be assessed against Respondent.

12. The corrective action sought by the Executive Director in the EDFAPRP and set out below in the ordering provisions is authorized by TEX. HEALTH & SAFETY CODE ANN. § 341.0315.
13. Based on the above Findings of Fact, Respondent should be required to take the corrective action measures that the Executive Director recommended in the EDFAPRP.

**NOW, THEREFORE, BE IT ORDERED BY THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY, IN ACCORDANCE WITH THESE FINDINGS OF FACT AND CONCLUSIONS OF LAW, THAT:**

1. Within 30 days after the effective date of this Commission Order, Double Diamond Utilities Co., d/b/a White Bluff Community Water System, shall pay an administrative penalty in the amount of \$250.00 for the violation specified in this order. The payment of this administrative penalty and Double Diamond Utilities Co. d/b/a White Bluff Community Water System's compliance with all the terms and conditions set forth in this Order completely resolve the violations set forth by this Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Checks rendered to pay penalties shall be sent with the notation: "Re: Double Diamond Utilities Co. d/b/a White Bluff Community Water System, TCEQ Docket No. 2006-1730-PWS-E" to:

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

2. Immediately after the effective date of this Commission Order, Double Diamond Utilities Co. d/b/a White Bluff Community Water System shall initiate policies and procedures to

ensure that boil-water notifications are provided to customers as required by 30 TEX. ADMIN. CODE § 290.46(q).

3. Within 45 days after the effective date of the Commission Order, Double Diamond Utilities Co. d/b/a White Bluff Community Water System shall submit written documentation sufficient to demonstrate compliance with Ordering Paragraph No. 2 to:

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

and

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

Each submittal of documentation shall also be notarized by a State of Texas Notary Public and shall contain a certificate that includes the following language:

“I certify under penalty of law that I 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.”

4. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas 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 Commission Order.

5. All other motions, requests for entry of specific Findings of Fact or Conclusions of Law, and any other requests for general or specific relief, if not expressly granted herein, are hereby denied for want of merit.
6. The effective date of this Order is the date the Order is final, as provided by 30 TAC § 80.273 and TEX. GOV'T CODE ANN. § 2001.144.
7. As required by WATER CODE § 7.059, the Chief Clerk of the Texas Commission on Environmental Quality shall forward a copy of this Order to Double Diamond Utilities Co., d/b/a White Bluff Community Water System.
8. If any provision, sentence, clause, or phrase of this Order is for any reason held to be invalid, the invalidity of any provision shall not affect the validity of the remaining portions of this Order.

ISSUED:

TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

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Buddy Garcia, Chairman  
For the Commission