EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0431-PWS-E TCEQ ID: RN101399905 CASE NO.: 24871 RESPONDENT NAME: City of Mexia Page 1 of 2

ORDER TYPE: IMMINENT AND SUBSTANTIAL AMENDED ORDER FINDINGS AGREED ORDER X 1660 AGREED ORDER ENDANGERMENT ORDER **EMERGENCY ORDER** FINDINGS DEFAULT ORDER SHUTDOWN ORDER CASE TYPE: __MUNICIPAL SOLID WASTE INDUSTRIAL AND HAZARDOUS WASTE AIR AGRICULTURE RADIOACTIVE WASTE X PUBLIC WATER SUPPLY OCCUPATIONAL CERTIFICATION PETROLEUM STORAGE TANKS USED OIL UNDERGROUND INJECTION CONTROL _MULTI-MEDIA (check all that apply) ___SEWAGE SLUDGE __WATER QUALITY **USED OIL FILTER**

SITE WHERE VIOLATION(S) OCCURRED: Mexia Public Water Supply, 800 South Belknap, Mexia, Limestone County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ____Yes ___X_No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The Texas Register comment period expired on March 19, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. J. Craig Fleming, Enforcement Division, Enforcement Section II, MC 219, (512) 239-5806; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Mr. Robert Ozment, Waco Regional Office, MC R-09, (254) 751-0335
Respondent: The Honorable Steve Brewer, Mayor, City of Mexia, P. O. Box 207, Mexia, Texas 76667
Respondent's Attorney: Mr. Arturo D. Rodriguez, Jr., Russell & Rodriguez, L.L.P., 102 West Morrow Street, Suite 103, Georgetown, Texas 78629

RESPONDENT'S NAME: City of Mexia DOCKET NO.: 2005-0431-PWS-E

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VIOLATION SUMMARY CHART: and the second second second second

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VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ComplaintX_ Routine Enforcement Follow-up Records Review	Total Assessed: \$935	Ordering Provisions:
Date of Complaint Relating to this Case: None	Total Deferred: \$187 X Expedited Settlement	1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)
Date of Investigation Relating to this Case: January 3, 2005	Financial Inability to Pay	
Date of NOV/NOE Relating to this Case: April 30, 2004	SEP Conditional Offset: \$748	2) The Order will also require the Respondent to:
(NOV), February 16, 2005 (NOE)	Total Paid (Due) to General Revenue: S0	a. Within 10 days after the effective date of this Agreed Order:
Background Facts: This was a routine investigation. Four violations were documented.	Site Compliance History Classification:HighAvgPoor	i. Establish and begin enforcing a formal cross-connection control program for the system;
WATER	Person Compliance History Classification:High _X_AvgPoor	ii. Ensure that all water storage facilities, distribution system lines, and related appurtenances are maintained in a watertight
1) Failed to meet this Agency's "Minimum Water System Capacity Requirements" for purchase capacity [30 TEX. ADMIN.	Major Source: X Yes No	condition. This shall include, but not be limited to the underground supply line to the ground storage tank; and
Code § 290.45(f)(4)].	Applicable Penalty Policy: September 2002	underground suppry line to the ground storage tank, and
2) Failed to establish a formal cross-connection control program that is sufficient to ensure that the public water system is		iii. Install a backflow prevention assembly at the Blair-Stubbs Mortuary.
protected from possible contamination from actual or potential contamination hazards [30 Tex. ADMIN. CODE § -290.44(h)(1)(B)(i) and 290.44(h)(4)].	na an an an ann an ann an ann an ann an	b. Within 60 days after the effective date of this Agreed Order, finalize the contract to purchase an additional quantity of water so as to meet the systems capacity requirements; and
3) Failed to maintain all water treatment units, storage and pressure maintenance facilities, distribution system lines, and related appurtenances in a watertight condition [30-Tex. ADMIN.	n han de la segure en la companya de la segure de la companya de la segure de la companya de la segure de la c	c. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate
Code § 290.46(m)].	Artistan (1995). Artistan (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (1995) (19	compliance with Ordering Provisions 2.a. and 2.b.
4) Failed to provide where an actual or potential contamination		
hazard exists additional protection at the meter in the form of an air gap or backflow prevention assembly [30 TEX. ADMIN. CODE	Republic States and the second states and the second states and the second states and the second states and the	
\$\$ 290.44(h)(1)(A) and 290.47(i)].		

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Attachment: Site Compliance History

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execsum/5-17-04/execsum.wpd

	Penalty Calculation		PCW Revision March 02,	2005
CEQ		· · · · ·		
	22-Feb-2005 02-Mar-2005 Screening 02-Mar-2005	Priority Due 23-Apr-2005	EPA Due	
RESPONDENT/FACIL				
Respondent		· · · · · · · · · · · · · · · · · · ·		
Reg. Ent. Ref. No. Additional ID No(s)	Public Water Supply No. 1470004			
Facility/Site Region		< Major/Minor Source	Major Source	<
CASE INFORMATION		No. of Violations	A	
Enf./Case ID No. Docket No.	2005-0431-PWS-E	Order Type		<
Case Priority	3	< Enf. Coordinator	J. Craig Fleming	
	Public Water Supply	EC's Team	Enforcement Team 3	<
Multi-Media Admin. Penalty \$ Li	mit Minimum \$50 Maximun	n \$1,000		NUMBER OF STREET, STRE
······································	Penalty Calcu	lation Section		
FOTAL BASE PE	NALTY (Sum of violation base pen	alties)	Subtotal 1	\$850
	+/-) TO SUBTOTAL 1 obtained by multiplying the Total Base Penalty (Subto	tal 1) by the indicated percentage		and the second
Compliance F			otals 2, 3, & 7	\$85
Notes	The administrative penalty is enhanced b written NOVs issued on August 24, 2001	and April 29, 2004 for same or		
	similar violations for t	nis facility.		
Culpability	No < 09	6 Enhancement	Subtotal 4	\$0
Notes	The respondent does not meet t	he culpability criteria.		
Good Faith E		Reduction	Subtotal 5	\$0
Extraordinary	Before NOV NOV to EDPRP/Settlement Offer			
Ordinary				
N/A	X (mark with a small x)			
Notes	The respondent is not yet	in compliance.		
Economic Be	nefit 0°	% Enhancement*	Subtotal 6	\$0
	Total EB Amounts \$711 ost of Compliance \$15,450	*Capped at the Total EB \$ Amount		And
SUM OF SUBTOT	ALS 1-7		Final Subtotal	\$935
	S AS JUSTICE MAY REQUIRE	nber only; e.g30 for -30%.)	Adjustment	\$0
Notes				
		Final Pe	nalty Amount	\$935
	IT ADJUSTMENT	Final Ass	essed Penalty	\$935
STATUTORY LIM		20% Reduction	Adjustment	-\$187
DEFERRAL	d Penalty by the indicted percentage. (Enter number		1	
DEFERRAL		<u></u>	р. 	

	Screen	ing Date 02-Mar-2005 Docket No. 2005-0431-PWS-E		· ·	PCV
		pondent City of Mexia	Policy Rev	ision 2 (Sept	ember 2
		e ID No. 24871	PCW	Revision Ma	rch 02, .
		ence No. RN101399905			
		D No(s). Public Water Supply No. 1470004			
		[Statute] Public Water Supply	 	• • •	
		rdinator J. Craig Fleming Address 800 South Belknap, Mexia, Limestone Count		and the top state of the second s	Ĩ
	Site		y 		
		$e_{1}^{(1)} = e_{1}^{(1)} e_{2}^{(1)} e_{2}^{(1)} e_{2}^{(1)} e_{1}^{(1)} e_{2}^{(1)} e_$			· .
		Compliance History Worksheet	<i>.</i>		
Ċ	ompliance His	story Site Enhancement (Subtotal 2)			
	Component	Number of	lumber Here	Adjust.	
		Written NOVs with same or similar violations as those in the current	2	10%].
	NOVs	enforcement action (number of NOVs meeting criteria)			± .
		Other written NOVs Any agreed final enforcement orders containing a denial of liability	0 3	0%	1 .
		(number of orders meeting criteria)	0	0%	
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders	enderen den den annalen et en a	* ************************************	
	Ciucis	without a denial of liability, or default orders of this state or the federal	0	0%	
		government, or any final prohibitory emergency orders issued by the commission	100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100 - 100		
		Any non-adjudicated final court judgments or consent decrees containing a)	
	Judgments	denial of liability of this state or the federal government (number of	0	0%	1
	and	judgements or consent decrees meeting criteria)		1 · · · · · · · · · · · · · · · · · · ·	1
	Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial	0	0%	1.2
	Decrees	of liability, of this state or the federal government	v	070	
	Convictions	Any criminal convictions of this state or the federal government (number	0 ·	0%	
		of counts)		,	-
	Emissions	Chronic excessive emissions events (number of events) Letters notifying the executive director of an intended audit conducted	0	0%	l-o
	1 - 20 	under the Texas Environmental, Health, and Safety Audit Privilege Act,	0	0%	1
	Audits	74th Legislature, 1995 (number of audits for which notices were			1
	Fluence	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for	0	0%	:
		which violations were disclosed)	0,	0%	100
	The annual sector of the secto	Please En	er Yes or No		
		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%	
	Other	Participation in a voluntary pollution reduction program	No	0%	
		Early compliance with, or offer of a product that meets future state or	No	0%	1
		federal government environmental requirements			
	1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 - 1997 -	Adjustment Percen	tage (Su	btotal 2)	1
R	epeat Violato			45 A.A.	
13	-			64-4-1 01	r- · · ·
	No	Adjustment Percen	tage (Su	diotal 3)	
С	ompliance His	story Person Classification (Subtotal 7)			
	Average Per	former < Adjustment Percen	tage (Su	btotal 7)	T.
~					te en en ana en
С	ompliance His	story Summary			7
	Compliance	The administrative penalty is enhanced because the respondent has 2 writ	ten NOVs	issued on	
j	History Notes		r this facili	ty.	
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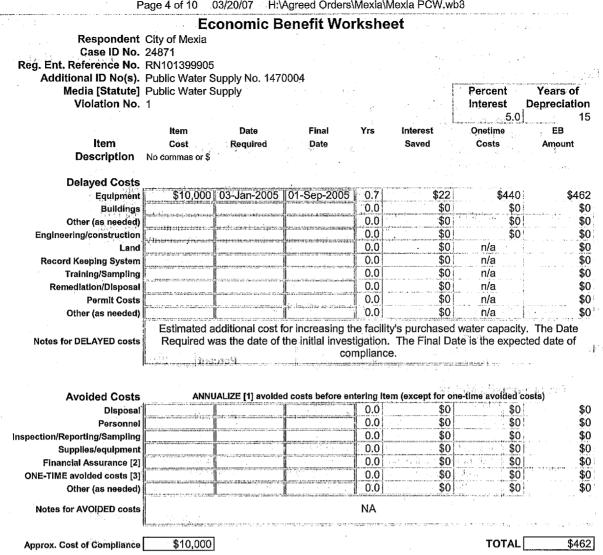
	02-Mar-2005	Docket N	0. 2005-0431-PWS	3-Е	PCW
	City of Mexia	DOUNDI II			on 2 (September 2002
Case ID No					evision March 02, 200
leg. Ent. Reference No					,,
Additional ID No(s)		v No. 1470004			
	Public Water Supply			а. -	
Enf. Coordinato				4	
Violation Numbe					
Primary Rule Cite(s	· · · · · · · · · · · · · · · · · · ·	30 Tex. Admin. Code	e § 290.45(f)(4)		
Secondary Rule Cite(s					
Violation Description	Requirements" for with Bistone MWS 1736.1 gallons per	t this Agency's "Minii purchase capacity. D stated the maximu minute whereas 248 uring the investigatio	Specifically, the pur im purchase rate as 4.6 gallons per min	chase contract s 2.5 MGPD or ute is required,	- - -
				Base Penalty	\$1,00
Environmental, Pr	operty and Huma	an Health Matrix			,
	Harm				
Release		Minor			
R Actua Potentia			Percent	25%	
Folenda	" 	<u></u>		20/0	
Programmatic Ma	trix				
Falsificatio		e Minor			
			Percent		
Matrix Notes daily de	ling facilities capabiliti mand will or could exp ants which would not e	pose human health te	o significant amoun e protective of hum	ts of	
			Adjust	ment\$750	
			Adjust	ment\$750 enalty Subtotal [\$25
Violation Events			Adjust		\$25
Violation Events			Adjust		\$25
L]	Adjust		\$25
Violation Events			Adjust		\$25
Violation Events	ation Events 1 daily		Adjust Base P	enalty Subtotal [· · · ·
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Violation Events Number of Viol	ation Events 1 daily monthly quarterly X x semiannual		Adjust Base P	enalty Subtotal [· · · ·
Violation Events Number of Viol	ation Events 1 daily monthly quarterly X		Adjust Base P	enalty Subtotal [· · · ·
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Violation Events Number of Viol mark only or use a small	ation Events 1 daily monthly quarterly X x semiannual annual single event e quarterly event is re		Adjust Base P Violatio	enalty Subtotal [on Base Penalty [· · · ·
Violation Events Number of Viol mark only or use a small	ation Events 1 daily monthly quarterly X semiannual annual single event e quarterly event is re cted on January 3, 20	005 to the screening	Adjust Base P Violatio	enalty Subtotal [on Base Penalty [05.	· · · ·
Violation Events Number of Viola mark only or use a small On condu	ation Events 1 daily monthly quarterly X semiannual annual single event e quarterly event is re cted on January 3, 20	005 to the screening	Adjust Base P Violatio on the investigation date of March 7, 20 Statutory Li	enalty Subtotal [on Base Penalty [05.	· · · ·

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	Screening [Date 02-Mar-2005		Docket	lo. 2005-0)431-PWS-E		PCW
		dent City of Mexia					Policy Revisi	on 2 (September 2002)
	Case ID	No. 24871					PCW Re	evision March 02, 2005
Reg. E	Ent. Reference	No. RN10139990	5					
Ā	dditional ID No	o(s). Public Water	Supply No.	1470004				•
		ute] Public Water						
		ator J. Craig Flemi	ing					
	Violation Nur				(L)(4)(D)()		<u></u>	
_	Primary Rule Ci		ex. Admin. C	ode § 290.44	(n)(1)(B)(I)	and 290.44(h)(4	4) 	
S	econdary Rule Ci	ite(s)						
	Violation Descri	sufficient to e contam Specifically, t	nsure that t ination from he respond installed ar	the public wat n actual or po lent did not ha	er system is ential conta ve the requ equired, as	control program s protected from amination hazar lired backflow p documented du y 3, 2005.	n possible ds. revention	
						Bas	e Penalty	\$1,000
>> I	Environmental	l, Property and I	Human H	ealth Matri	X			
			larm					
			oderate I	Minor				
OR		Actual	x		Perc	ent 25%		•
>>	Programmatic	Matrix						
	Falsif	ication Major M	oderate	Minor	Dava			1
					Perc	ent		
I	Motrix Notos	ot having an adequa expose human heal ollutants which woul health or environ	th or the en d not excee	vironment to ed levels that	significant a are protectiv	mounts of ve of human		•
						Adjustment	-\$750	:
						Base Penalty	Subtotal	\$250
,	Violation Ever	nts						
	Number of	Violation Events	1					
		daily monthly nly one quarterly smail x semiannual annual single event	x	·		Violation Bas	5e Penalty	\$250
	Or	ne quarterly event is January 3, 200						i
	Economic Bei	nefit (EB) for thi	s violatio	on	Stat	utory Limit 1	ſest	:
	Estima	ated EB Amount	\$234		Viol	ation Final Pe	nalty Total	\$275
			This viola	tion Final As	sessed Per	nalty (adjusted	for limits)	\$275

	EC EC	onomic B	enefit Wo	rkshe	et		
Respondent							
Case ID No.					part de la pro-	e de la contrata de	
Reg. Ent. Reference No.					12 p. 10	en Barris en ser	
Additional ID No(s).			1004		$= S_{1} + \delta_{2}$	e sus productions	
Media [Statute]			5004		2 . .	Percent	Years of
Violation No.		uppiy	, · · ·			Interest	Depreciation
violation No.	2					101erest 5.0	
•					l.	يستكانك بفاديك البسته بكالإحصار بدبوا كالتبا عكم	1:
	ltem	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date	4. 1. 1.	Saved	Costs	Amount
Description	No commas or \$		1				
		•					
Delayed Costs	perverie en aginalization	en ander en andere en	reite ci nti yazai		وبارد إشراعه ومابه		-
Equipment	\$5,000	03-Jan-2005	01-Sep-2005	0.7	\$11	\$220	•
Buildings		honiz hirortizitier	i	0.0	\$0	\$0	\$
Other (as needed)		المناجبين ومستعنيته ومستعار		0.0	\$0	\$0	· · · ·
Engineering/construction				0.0	\$0	\$0	
Land				0.0	\$0	n/a	\$
Record Keeping System				0.0	\$0	n/a	\$
Training/Sampling				0.0	\$0	n/a	\$
Remediation/Disposal	indiation de la 1999 e vise des vise de la 1999	Proceedings of the second s	an an that the second	0.0	\$0	n/a	\$
Permit Costs	Prototation is and considerations	ha an aiteach ar thainn an bhai	alta tabulati a	0.0	\$0	n/a	\$
Other (as needed)	\$100	03-Jan-2005	01-Sen-2005	4 1.577.5	\$3	n/a	\$
		imated cost to					
Notes for DELAYED costs	and install b	imated cost to ackflow prever of the investiga	iters where req	uired in t	he system. T the expected	he Date Requ date of compl	ired was the ance.
Notes for DELAYED costs	and install b date o	ackflow prever	iters where req tion. The Fina	uired in t I Date is	he system. T the expected	he Date Requ date of compli	ired was the ance.
	and install b date o	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is	he system. T the expected	he Date Requ date of compli	ired was the ance.
Avoided Costs	and install b date o	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is tering iter	he system. T the expected n (except for on \$0 \$0	he Date Requ date of compli- entime avoided o	ired was the lance. costs)
Avoided Costs Disposal Personnel	and install b date o	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is ntering iter	he system. T the expected n (except for on \$0	he Date Requ date of compli entime avoided o \$0	ired was the lance. costs) \$
Avoided Costs Disposal Personnel	and install b date o ANNL	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is ntering iter	he system. T the expected n (except for on \$0 \$0	he Date Requ date of compli- e-time avoided o \$0 \$0	ired was the ance. costs) \$ \$ \$
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Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and install b date o ANNL	ackflow prever of the investiga	iters where req tion. The Fina	ntering iter 0.0 0.0 0.0 0.0	he system. T the expected n (except for on \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0,	he Date Requ date of compli- etime avoided of \$0 \$0 \$0 \$0 \$0 \$0	ired was the ance. costs) \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3]	and install b date of ANNL	ackflow prever of the investiga	iters where req tion. The Fina	tering iter 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he system. T the expected n (except for on \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0, \$0,	he Date Requ date of compli- e-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ired was the ance. costs) \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2]	and install b date of	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is ntering iter 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he system. T the expected n (except for on \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Requ date of compli- e-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ired was the ance. costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equipment Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)	and install b date of	ackflow prever of the investiga	iters where req tion. The Fina	uired in t I Date is ntering iter 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0 0.0	he system. T the expected n (except for on \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	he Date Requ date of compli- e-time avoided of \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ired was the lance. costs) \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1 \$1

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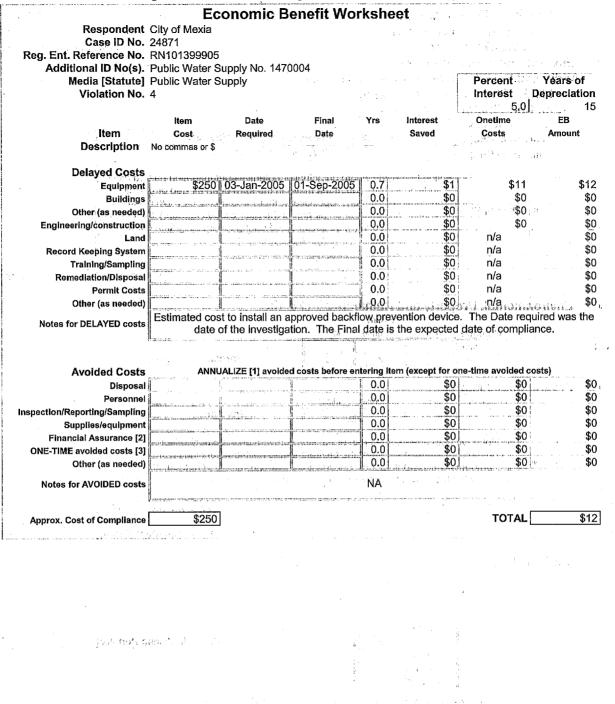
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	Screening Date	02-Mar-2005	Docket No	. 2005-0431-PWS-E	· · · ·	PCW
	Respondent				Policy Revisio	n 2 (September 2002)
	Case ID No	. 24871			PCW Rev	ision March 02, 2005
	. Ent. Reference No.					
	Additional ID No(s)		lo. 1470004			
		Public Water Supply				
	Enf. Coordinato					
	Violation Number		Toy Admin Cod	5 200 46(m)	1	•
	Primary Rule Cite(s		0 Tex. Admin. Code	3 8 290.40(11)		
	Secondary Rule Cite(s					-
	Violation Descriptior	maintenance f appurtenances in a supply line to the	acilities, distribution watertight condition ground storage tan	nt units, storage and pre n system lines, and relat n. Specifically, the unde k was leaking excessive conducted on January 3	ed rground ely, as	:
				Bas	e Penalty	\$1,000
					·	
>>	Environmental, Pr	operty and Human	Health Matrix			:
	Release	Harm Major Moderate	Minor			
OR	Actua	· · · · · · · · · · · · · · · · · · ·	- Minor			5
	Potentia		x	Percent 10%]	
						:
>>	Programmatic Ma Falsification		Minor			8
	Faisingauo	n Major Moderate	Minor	Percent]	• :
	L					
x		e to repair leaks expose ts which do not exceed and th				
				Adjustment	-\$900	;*
				-		
				Base Penalt	y Subtotal	\$100
	Violation Events					:
	Number of Viola	ation Events 1				
	mark only on use a small	· · · · ·		Violation Bas	se Penalty	\$100
	C	One single event is recor	nmended as per th	e penalty policy.		
	Economic Benefit	: (EB) for this viola	tion	Statutory Limit	Fest	
	Estimated	EB Amount \$3		Violation Final Pe	nalty Total	\$110
•		This vic	lation Final Asses	ssed Penalty (adjusted	for limits)	\$110
					, L	

Page 8 of 10 ... 03/20/07 H:\Agreed Orders\Mexia\Mexia PCW.wb3 **Economic Benefit Worksheet** Respondent City of Mexia Case ID No. 24871 Reg. Ent. Reference No. RN101399905 Additional ID No(s). Public Water Supply No. 1470004 Media [Statute] Public Water Supply Percent Years of Violation No. 3 Depreciation Interest 5.0 15 Date Final Yrs Interest Onetime EB Item Item Cost Required Date Saved Costs Amount Description No commas or \$ 40. 45 **Delayed Costs** 0.0 \$0 \$0 \$0 Equipment Buildings 0.0 \$0 \$0.0.1 \$0 25.4\$0 0.0 \$0 \$0 Other (as needed) 1993 \$0 0.0 \$0 \$0 Engineering/construction 0.0 \$0 \$0 n/a Land \$0 **Record Keeping System** 0.0 \$0 n/a 0.0 \$0 Training/Sampling \$0 n/a n/a 0.0 \$0 Remediation/Disposal \$0 0.0 \$0 n/a \$0¹ Permit Costs \$3 \$3 \$100 03-Jan-2005 01-Sep-2005 0.7 n/a Other (as needed) This the estimated cost to repair the underground supply line to the ground storage tank. The Date Required was the date of the investigation. The Final Date is the expected date of Notes for DELAYED costs compliance. Sec. 1 ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) **Avoided Costs** Disposal 0.0 \$0 \$0 \$0 0.0 \$0 \$0 \$0 Personnel 0.0 \$0 \$0 \$0 Inspection/Reporting/Sampling Supplies/equipment 0.0 \$0 \$0 \$0 \$0 \$0 \$0 0.0 Financial Assurance [2] \$0 \$0 0.0 \$0 **ONE-TIME** avoided costs [3] 0.0 \$0 \$0 \$0 Other (as needed) Notes for AVOIDED costs NA \$3 \$100 TOTAL Approx. Cost of Compliance

39.66

P	age 9 of 10 03/20/07	H:\Agreed Order	rs\Mexia\Mexia PCW.w	b3	
Screening Date	02-Mar-2005	Docket No	. 2005-0431-PWS-E	Connection of the second se	PCW
Respondent	City of Mexia			Policy Revisi	on 2 (September 2002)
Case ID No.				PCW Re	vision March 02, 2005
Reg. Ent. Reference No.					
Additional ID No(s).		lo. 1470004			
	Public Water Supply				
Enf. Coordinator					
Violation Number Primary Rule Cite(s)		ex. Admin. Code §	290 44(h)(1)(A)		
Secondary Rule Cite(s)		0 Tex. Admin. Cod			
Violation Description	Failed to provide when additional protectior prevention assembly prevention assembly c	re an actual or pote n at the meter in the y. Specifically, the or an air gap at the	ential contamination haz e form of an air gap or b re was no check valve b Blair-Stubbs Mortuary a luring the investigation of	ackflow backflow is required	
			Bas	se Penalty	\$1,000
>> Environmental, Pro	operty and Human	Health Matrix			
	Harm				
Release		Minor			
OR Actual Potential			Percent 25%	1	
r olentia				J	1
>> Programmatic Mat	rix				
Falsification	Major Moderate	Minor	-	1	
			Percent		
Matrix Notes could ex amour	ing an adequate air gap pose human health or th nts which would not exc alth or environmental re	ne environment to p eed levels that are	pollutants of significant protective of human		
			Adjustment	-\$750	
			Base Penalt	y Subtotal	\$250
Violation Events					на селото т «Монение»
Number of Viola	tion Events 1				×
mark only on use a small			Violation Ba	se Penalty	\$250
	rterly event is recomme January 3, 2005 to the				- - - - - - - - - - - - - - - - - - -
Economic Benefit	(EB) for this violat	tion	Statutory Limit	Test	
Estimated I	B Amount \$12		Violation Final Pe	nalty Total	\$275
	Thie via	lation Final Acces	sed Penalty (adjusted	for limite)	\$275
		adon Final Asses	auto chany (aujusteu		ψ213



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Compliance History (For Penalty Purposes Only)

Customer/Respondent/Owner-Operator:	CN600510218 City of Mexia Classification: A	VERAGE Rating:1.980
Regulated Entity:	RN101399905 CITY OF MEXIA Classificati	on: Site Rating:
ID Number(s):	WATER LICENSING	LICENSE
	PUBLIC WATER SYSTEM/SUPPLY 1470004	REGISTRATION
Location:	P. O. Box 207, Mexia, Texas 76667 Repea	at Violator: NO
TCEQ Region:	REGION 09 - WACO	
Date Compliance History Prepared:	March 03, 2005	
Agency Decision Requiring Compliance History	r: Enforcement	
Compliance Period:	March 01, 2000 to March 01, 2005	
TCEQ Staff Member to Contact for Additional In	nformation Regarding this Compliance History	
Name: Craig Fleming	Phone: 239-5806	
Site Compl	iance History Components	
1. Has the site been in existence and/or operat	ion for the full five year compliance period?	Yes
2. Has there been a (known) change in owners	hip of the site during the compliance period?	No
3. If Yes, who is the current owner?		N/A
4. if Yes, who was/were the prior owner(s)?		N/A
5. When did the change(s) in ownership occur	?	N/A
Components (Multimedia) for	the Site :	
A. Final Enforcement Orders, court judgement	s, and consent decrees of the state of Texas ar	nd the federal government.
N/A		
B. Any criminal convictions of the state of Tex	as and the federal government.	
-N/A-		· · · · · · · · · · · · · · · · · · ·

C. Chronic excessive emissions events.

N/A

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

1 05/12/2004 (269539)

2 02/16/2005 (344409)

3 08/24/2001 (349357)

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

1. Date: 04/30/2004 (269539)

Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.46(j)[G]

2 1 10 M

Description: Failure to establish a customer service inspection program.

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Self Report? NO Classification: Moderate Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(ii) Description: Failure to provide annual test results of backflow prevention assemblies.

 Self Report? NO
 Classification: Minor

 Citation:
 30 TAC Chapter 290, SubChapter D 290.43(c)(1)

 Description:
 Failure to screen the roof vent on the ground storage tank.

 Self Report? NO
 Classification: Minor:

 Citation:
 30 TAC Chapter 290, SubChapter D 290.46(m)(1)[G]

 Description:
 Failure to conduct an inspection of the elevated storage tank.

 Self Report? NO
 Classification: Minor

 Citation:
 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to provide a proper overflow for the ground storage and elevated storage tanks,

 Self Report? NO
 Classification: Minor

 Cltation:
 30 TAC Chapter 290, SubChapter D 290.45(f)(4)

 Description:
 Failure to provide adequate purchase water capacity.

 Self Report? NO
 Classification: Minor

 Citation:
 30 TAC Chapter 290, SubChapter D 290, 46(m)(4)

 Description:
 Failure to maintain all related water system appurtenances in a watertight condition.

Self Report? NO Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)(B)(i) 30 TAC Chapter 290, SubChapter D 290.44(h)(4)[G]

Description: Failure to establish and enforce a formal cross-connection control program.

 Self Report? NO
 Classification: Moderate

 Citation:
 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

 Description:
 Failure to maintain all related water system appurtenances in a watertight condition.

2. Date: August 24, 2001 (349357) Self Reporting? NO

Citation: 30 TAC Chapter 290.46(m)(4) Description: Failure to maintain all water storage facilities in a water tight condition.

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

<u>Attachment A</u>

Docket Number 2005-0431-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Mexia
Penalty Amount:	Seven Hundred Forty-Eight Dollars (\$748)
SEP Offset Amount:	Seven Hundred Forty-Eight Dollars (\$748)
Type of SEP:	Custom
Location of SEP:	Limestone County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. <u>Project</u>

The Respondent shall repair or replace sanitary sewer service lines, cleanouts, and caps on private property in an environmental justice community (low income, minority homeowners) in the City of Mexia to reduce inflow and infiltration into the sanitary sewer collection system. Approximately 5 lines will be repaired or replaced as needed. The homeowners are low income and would not be able to afford the repairs themselves. The Respondent will not charge the homeowners for the costs of the SEP.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the amount of storm water and groundwater infiltration into the sanitary sewer system, reducing the potential for health threats and pollution caused by overflows of raw sewage into the environment. This project will also assist low income homeowners to reduce the potential for failure of their sanitary plumbing systems due to backup during periods of heavy rainfall or flooding.

C. Minimum Expenditure

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City of Mexia

Agreed Order Docket Number 2005-0431-PWS-E Attachment A

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this project. The Respondent shall complete the project within 180 days after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. <u>Final Report</u>

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- 1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 2. The total amount of costs incurred;
- 3. A statement of quantifiable environmental benefits;
- 4. Number of homes where the lines were repaired or replaced;
- 5. Map showing specific location of home sites;
- 6. Photographs of the project; and
- 7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.
- C. <u>Address</u>

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division

Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all

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City of Mexia Agreed Order Docket Number 2005-0431-PWS-E Attachment A

records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

With the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING CITY OF MEXIA PUBLIC WATER SUPPLY NO. 1470004 RN101399905 **BEFORE THE**

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-0431-PWS-E

§

I. JURISDICTION AND STIPULATIONS

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

- 1. The City owns and operates a public water supply at 800 South Belknap in Mexia, Limestone County, Texas (the "Facility") that has approximately 2750 service connections and serves at least 25 people per day for at least 60 days per year.
- 2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
- 3. The City received notice of the violations alleged in Section II ("Allegations") on or about February 21, 2005.
- 4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 5. An administrative penalty in the amount of Nine Hundred Thirty-Five Dollars (\$935) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). One Hundred Eighty-Seven Dollars (\$187) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all

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City of Mexia DOCKET NO. 2005-0431-PWS-E Page 2

or part of the deferred penalty. Seven Hundred Forty-Eight Dollars (\$748) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

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

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

- 1. Failed to meet this Agency's "Minimum Water System Capacity Requirements" for purchase capacity, in violation of 30 TEX. ADMIN. CODE § 290.45(f)(4), as documented during an investigation conducted on January 3, 2005;
- 2. Failed to establish a formal cross-connection control program that is sufficient to ensure that the public water system is protected from possible contamination from actual or potential contamination hazards, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i) and 290.44(h)(4), as documented during an investigation conducted on January 3, 2005;
- 3. Failed to maintain all water 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), as documented during an investigation conducted on January 3, 2005; and
- 4. Failed to provide where an actual or potential contamination hazard exists additional protection at the meter in the form of an air gap or backflow prevention assembly, in violation of 30 TEX. ADMIN. CODE §§ 290.44(h)(1)(A) and 290.47(i), as documented during an investigation conducted on January 3, 2005.

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City of Mexia DOCKET NO. 2005-0431-PWS-E Page 3

III. DENIALS

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

IV. ORDERING PROVISIONS

 It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Mexia, Docket No. 2005-0431-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. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 5 above, Seven Hundred Forty-Eight Dollars (\$748) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
- 3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 10 days after the effective date of the Agreed Order:
 - i. Establish and begin enforcing a formal cross-connection control program for the system, as required by 30 TEX. ADMIN. CODE § 290.44(h)(1)(B)(i) and 290.44(h)(4);
 - Ensure that all water storage facilities, distribution system lines, and related appurtenances are maintained in a watertight condition, as required by 30 Tex. Admin. Code § 290.46(m). This shall include, but not be limited to the underground supply line to the ground storage tank; and
 - iii. Install a backflow prevention assembly at the Blair-Stubbs Mortuary, as required by 30 Tex. Admin. Code §§ 290.44(h)(1)(A) and 290.47(i).
 - b. Within 60 days after the effective date of this Agreed Order, finalize the contract to purchase an additional quantity of water so as to meet the systems capacity requirements, as required by 30 TEX. ADMIN. CODE § 290.45(f)(4); and

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c. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 3.a. and 3.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

Submit all correspondence, reports, and documentation required by these Ordering Provisions to:

Work Leader Team 5, Section III Enforcement Division, MC 149 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

with a copy to:

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

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 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 the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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City of Mexia DOCKET NO. 2005-0431-PWS-E Page 5

- 7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
- 8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

Conjection
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- 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 against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

Signature

Steve

Name (Printed or typed) Authorized Representative of City of Mexia

For the Executive Director

<u>12/15/06</u> Date

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

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Attachment A

Docket Number 2005-0431-PWS-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Mexia
Penalty Amount:	Seven Hundred Forty-Eight Dollars (\$748)
SEP Offset Amount:	Seven Hundred Forty-Eight Dollars (\$748)
Type of SEP:	Custom
Location of SEP:	Limestone County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to perform a Supplemental Environmental Project ("SEP"). The SEP Offset Amount is set forth above and such offset is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. **Project Description**

A. Project

The Respondent shall repair or replace sanitary sewer service lines, cleanouts, and caps on private property in an environmental justice community (low income, minority homeowners) in the City of Mexia to reduce inflow and infiltration into the sanitary sewer collection system. Approximately 5 lines will be repaired or replaced as needed. The homeowners are low income and would not be able to afford the repairs themselves. The Respondent will not charge the homeowners for the costs of the SEP.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by reducing the amount of storm water and groundwater infiltration into the sanitary sewer system, reducing the potential for health threats and pollution caused by overflows of raw sewage into the environment. This project will also assist low income homeowners to reduce the potential for failure of their sanitary plumbing systems due to backup during periods of heavy rainfall or flooding.

C. <u>Minimum Expenditure</u>

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Agreed Order Docket Number 2005-0431-PWS-E Attachment A

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this project. The Respondent shall complete the project within 180 days after the effective date of this Agreed Order.

3. Reporting

A. <u>Progress Reports</u>

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. <u>Final Report</u>.

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

- 1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
- 2. The total amount of costs incurred;
- 3. A statement of quantifiable environmental benefits;
- 4. Number of homes where the lines were repaired or replaced;
- 5. Map showing specific location of home sites;
- 6. Photographs of the project; and
- 7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.
- C. <u>Address</u>

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division Attention: SEP Coordinator, MC 175 Texas Commission on Environmental Quality P.O. Box 13087 Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all

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City of Mexia Agreed Order Docket Number 2005-0431-PWS-E Attachment A

records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the TCEQ staff may require immediate payment of all or part of the SEP Offset Amount.

With the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

7. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program. Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other orders negotiated with the TCEQ or any other agency of the state or federal government.

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