### EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3 DOCKET NO.: 2004-0677-MWD-E TCEQ ID NOS: RN101511400 AND RN101519981 CASE NO.: 15573 RESPONDENT NAME: ALGONQUIN WATER RESOURCES OF AMERICA DBA WOODMARK UTILITIES AND DBA TALL TIMBERS STP

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

SITE WHERE VIOLATION(S) OCCURRED: Woodmark Utilities located at Highway 346 and Tall Timbers STP located at 16459 Neighbors Road, Tyler, Smith County

**TYPE OF OPERATION:** Wastewater treatment plants

SMALL BUSINESS: \_\_\_\_Yes \_X\_\_No

OTHER SIGNIFICANT MATTERS: There are no previous complaints. There is no record of additional pending enforcement actions regarding these facility locations.

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 October 23, 2006. No comments were received.

#### CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Laurencia Fasoyiro, Litigation Division, MC R-12, (713)422-8914; Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 TCEQ Enforcement Coordinator: Ms. Audra Ruble, Enforcement Division, Section III, MC R-14, (361) 825-3126

TCEQ Regional Contact: Mr. Noel Luper, Tyler Regional Office, MC R-5, (903) 535-5175

Respondent: Mr. Charles Hernandez, Operations Manager, Algonquin Water Resources of America dba Woodmark Utilities and dba Tall Timbers STP, P.O. Box 3572, Carefree, Arizona 85377

Respondent's Attorney: Mr. Mark Zeppa, PC, Law Office of Mark Zeppa, PC, 4833 Spicewood Springs Road, Suite 202, Austin, Texas 78759-8436

execsum/5-17-04/exec.summary.wpd

#### **RESPONDENT'S NAME: ALGONQUIN WATER RESOURCES OF AMERICA DBA WOODMARK** Page 3 of 3 UTILITIES AND DBA TALL TIMBERS STP DOCKET NO.: 2004-0677-MWD-E

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Tall Timbers Facility:		
4) Failed to properly maintain the wastewater collection system in a manner to prevent infiltration. During the investigation it was noted that the Irish Meadows lift station possessed a steel mesh grate for the lid to the wet well. Additionally, the Respondent failed to properly install and maintain the primary flow measuring device [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13000-001, Operational Requirements Provision Nos. 1 and 5].		
5) Failed to ensure that all lift stations are intruder-resistant with controlled access. The lift stations at Gresham and Irish Meadows were not secure. Specifically, there were no fences around the lift stations to prevent intruders from entering the lift station grounds [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(a) and TPDES Permit No. 13000-001, Operational Requirements Provision No. 1].		
6) Failure to properly maintain the wastewater treatment facility's bar screen. The bar screen had been modified in a manner which, during the high flow conditions, allows large solids to pass through a large v-shaped hole cut into the bar screen [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(b)(1) and TPDES Permit No. 13000-001, Operational Requirements Provision No. 1].		
7) Failed to prevent sludge from discharging from the wastewater treatment facility. Specifically, the investigator documented several areas where sludge had accumulated in the receiving stream. Sludge had been deposited intermittently in the receiving stream for a distance of approximately 150 feet from the point of effluent discharge[30 TEX. ADMIN. CODE § 305.125(1) and (5), TPDES Permit No.13000-001, Permit Conditions 2.g. and TEX. WATER CODE § 26.121(a)].		
8) Failed to comply with the permit limits at the Tall Timbers site as shown in the Effluent Limit Violation Table [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 13000-001, Final Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].	· · · · ·	
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Attachment: Site Compliance History

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#### RESPONDENT'S NAME: ALGONQUIN WATER RESOURCES OF AMERICA DBA WOODMARK UTILITIES AND DBA TALL TIMBERS STP DOCKET NO.: 2004-0677-MWD-E

#### VIOLATION SUMMARY CHART:

Attachment: Site Compliance History

execsum/5-17-04/exec.summary.wpd

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Page 1	of 8 09/15/06 H:\ENFORCE\L Fasoyiro\Algonquin\FIN	IAL Woodmark_PCW.qpw
TICEO	Penalty Calculation Worksh	• •
Policy Revision 2 (09/02)		PCW Revision 2/10/2004
DATES		
PCW 11-1	May-2004 Screening 13-May-2004 Priority Due	10-Sep-2004 EPA Due
RESPONDENT INFORMATION		
•	onquin Water Resources of America dba Woodmark Utilities DES Permit No. 13168-001, Regulated Entity Reference No. RI	N101511400
Facility/Site Region 5-1		Major/Minor Source Minor
CASE INFORMATION		
	orcement Case No. 15573	
Docket No. 200 Case Priority 3		No. Violations 3 Order Type 1660 without deferral
Enf. Coordinator Erik	a Fair	EC's Team Enforcement Team 1
Media Program(s) Wat	ter Quality	
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000	
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u i contra contra a contra contra da cont		
TOTAL BASE PENALTY (S	Sum of violation base penalties)	Subtotal 1 \$4,500
	UDTOTAL 4	
ADJUSTMENTS (+/-) TO S		
Subtotals 2-7 are obtained to Compliance Histo	by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentag OFV 41% Enhancement	and share a final state of the
	1.y + 1./o Ennancement	<u>Subiolais 2, 5 &amp; /</u> \$1,64:
·赤鸿东府《后进第20条》	nancement due to Notices of Violation for non-similar violations	1
	1999 and July 31, 2000, and a Notice of Violation for the same January 15, 2004, as well as sixteen months of self-reported e	
Culpability	0% Enhancement	Subtotal 4 \$(
No	Select Yes/No	n ar an ann a mhailte
Notes	Respondent does not meet culpability criteria.	
Good Faith Effort	to Comply 0% Reduction	Subtotal 5
Befor	re NOV NOV to EDPRP/Settlement Offer	· ·
Extraordinary		
Ordinary		· · · · ·
None of the above	X (mark with small x)	+ • • • • • • • • • • • • • • • • • • •
Notes	Respondent is not yet in compliance.	
		[1] 프라이(아이) - 아이
		Subtotal 6
Economic Benefit		
	\$3,500 Approx. Cost of Compliance *Capped at the Te	otal EB \$ Amount =
, L		
SUM OF SUBTOTALS 1-7		Final Subtotal \$6,345
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OTHER FACTORS AS JUS	TICE MAY REQUIRE	Adjustment \$0
Reduces or enhances the Final Subtolal b	by the indicated percentage. (enter number only; e.g30 for -30%)	· · · ·
Nistaa		
Notes		_
	and the second	Final Penalty Amount \$6,345
STATUTORY LIMIT ADJUS	STMENT	Final Assessed Penalty \$6,345
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DEFERRAL	Deferral 0% Reduction	Adjustment\$0
Reduces the Final Assessed Penalty by th		
Notes	No deferral is offered due to an NOV issued on January 15, 200 violations.	04 for the same =
	violations.	
PAYABLE PENALTY		\$6,345
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	Case ID No.	13-May-2004     Docket Number       Algonquin Water Resources of America dba Woodmark Utilities       Enforcement Case No. 15573       TPDES Permit No. 13168-001; Regulated Entity Reference No. RN10151140	Pol PC	-MWD-E icy Revision 2 (09, W Revision 2/10/2
. M	edia [Statute]	Water Quality		
Enf	Coordinator		an a	
	Site Address	FM 346 and U.S. Highway 69, Tyler		
		Compliance History Worksheet		
	Compliance F	listory Site Enhancement (Subtotal 2)		
	Component	Number of Enter N	lumber Here	Adjust.
		Written NOVs with same or similar violations as those in the current	1	
	· NOVs	enforcement action ( <i>number of NOVs meeting criteria</i> ) Other written NOVs	18	5%
		Any agreed final enforcement orders containing a denial of liability (number		36%
		of orders meeting criteria)	0	0%
	Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	08/
	Judgments	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%
	and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
	Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	. 0	0%
	Emissions	Chronic excessive emissions events (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 ( <i>number of audits for which</i> <i>violations were disclosed</i> )	0	0%
	[	Please ente Environmental management systems in place for one year or more	r Yes or No N	0%
		Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N	0%
	Other	Participation in a voluntary pollution reduction program	Ň	
		Early compliance with, or offer of a product that meets future state or federal government environmental requirements	N	0%
	۱ <u>۲</u>		<u> </u>	0%
Welling		Adjustment Pere	centage (S	ubtotal 2) <u>4</u>
	Repeat Violato	or (Subtotal 3)		
	No	Select Yes/No Adjustment Per	centage (S	ubtotal 3)
n de succes				
	Compliance H	istory Person Classification (Subtotal 7)		
	Average Perfor	mer Select High, Average or Poor Adjustment Pero	centage (S	ubtotal 7) (
mplianc	e History Sumr	nary		
	Compliance History Notes	Enhancement due to Notices of Violation for non-similar violations issued Nov July 31, 2000, and a Notice of Violation for the same violations issued on Ja well as sixteen months of self-reported effluent violations	inuary 15, 2	

Page 3 of 8	09/15/06	H.LINI ORGENE	Fasoyiro\Algonquin\FIN		<u><u><u> </u></u></u>	
Screening Date	13-May-04	Docket	Number 2004-0677-	MWD-E		PCV
Respondent	Algonquin Water	Resources of A	merica dba Woodmark	Utilities	-	ision 2 (09/02
Case ID No.	Enforcement Cas	se No. 15573			PCW Revis	sion 2/10/200
<b>Respondent/Site ID No.</b>	TPDES Permit N	lo. 13168-001; R	egulated Entity Referer	nce No. RN10	1511400	
Media [Statute]	Water Quality					
Enf. Coordinator	-					
Violation Number	1					
<b>Primary Rule Cite</b>	30 TA	C § 305.125(4) 8	(5) and Tex. Water Co	ode § 26.121(	a)	
Secondary Cite(s)						
Violation Description	unauthorized	discharge of was 4, the investigate	te the area affected by stewater from the Sandl or documented sewage ound the lift station.	hill Lane lift st	ation. On	
				Ba	se Penalty	\$10,00
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Violation Events	ch do not exceed enviro olation Events [ daily ]	levels that are p nmental recepto	rotective of human heal rs. Ad	unts of th or justment		• • • • •
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Violation Events	ch do not exceed enviro olation Events daily monthly quarterly	levels that are p nmental recepto	rotective of human heal	unts of th or justment Base Penalt	y Subtotal	
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Matrix       pollutants whith         Notes       Violation Events         Number of Violation       Events         mark only one; use small x         Events       One quarterly event         Notes       Economic Benet	ch do not exceed enviro olation Events daily monthly quarterly semiannual annual single event t is recommended to the May 1	levels that are p nmental recepto 1 x based on the M 13, 2004 screeni	rotective of human heal rs. Ad 	unts of th or justment Base Penalt	y Subtotal	\$1,000
Matrix       pollutants whith         Notes       Violation Events         Number of Violation       Events         mark only one; use small x         Events       One quarterly event         Notes       Economic Benet	ch do not exceed enviro olation Events daily daily quarterly semiannual single event t is recommended to the May 1 fit (EB) for this	levels that are provide the second se	rotective of human heal rs. Ad 	unts of th or justment Base Penalt Base Penalt Contemporation Diation Base restigation	y Subtotal	\$1,00
Matrix       pollutants whith         Notes       Violation Events         Number of Violation       Events         mark only one; use small x         Events       One quarterly event         Notes       Economic Benet	ch do not exceed enviro olation Events daily daily quarterly semiannual annual single event tis recommended to the May 1 fit (EB) for this B Amount (\$)	levels that are pinmental recepto	rotective of human heal rs. Ad 	unts of th or justment Base Penalt Base Penalt Contemporal District Base Pestigation Contemporal Conte	y Subtotal	\$1,00

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Respondent	Algonquin Water R	Analishadarad Israe (Manakalishali BabarA)	and the could be about the second black to a title, was will be a	ar heimene heimen der Anders Antersan	and the second statistic product and the second priority of p		aliyal Ferretz A. ay
ID Number(s) Media [Statute]	Enforcement Case			K Oundes		Percent Interest	Years of Depreciation
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	ltem	Date	Final	Yrs	Interest	Onetime	EB
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Delayed Costs Equipment		<u> </u>		0.0	#0		
Buildings				0.0	\$0	\$0	
Other (As needed)				0.0	\$0	\$0	
				0.0	\$0	\$0	<u>``</u>
Engineering/construction				0.0	\$0	<b>\$0</b>	
Land				0.0	\$0	<u> </u>	······································
Record Keeping System				0.0	\$0	n/a	
Training/Sampling	\$200	27-Oct-2003	12-Feb-2005	0.0	\$0	n/a	
Remediation/Disposal		27-001-2003	12-Feb-2005	1.3	\$13	<u>n/a</u>	\$
Permit Costs				0.0	\$0	<u>n/a</u>	
Other (As Needed) Notes for DELAYED costs			States and the set	0.0	\$0	n/a	····
Avoided Costs	<u>A</u>		ost to remove the			iate the site.	ided costs)
Disposal				0.0	\$0	\$0	-
Personnel				0.0	\$0	\$0	
spection/Reporting/Sampling				0.0	\$0	\$0	
Supplies/equip				0.0	\$0	\$0	
Financial Assurance [2]				0.0	\$0	\$0	
ONE-TIME avoided costs [3]				0.0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	
Notes for AVOIDED costs							

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PCV		umber 2004-0677-MWD-E	Docket N	13-May-04	Screening Date	
•		rica dba Woodmark Utilities	er Resources of Ame	Algonquin Water	Respondent	
sion 2/10/200	PCW Revisio		ase No. 15573	Enforcement Ca	Case ID No.	
	RN101511400	ulated Entity Reference No. RN1	No. 13168-001; Reg	TPDES Permit N	ndent/Site ID No.	Respor
				Water Quality	Media [Statute]	
,			_	Erika Fair	Enf. Coordinator	
			-	2	Violation Number	V
		05.125(5) and 317.3(a)	30 TAC §§ 3	a secolar a	rimary Rule Cite	P
	Provision No. 1	Operational Requirements, Provi	mit No. 13168-001,	TPDES Pern	Secondary Cite(s)	S
					ation Description	Viol
	olony, located on /anderbilt, located ane, and Running	s are intruder-resistant with control located on FM 2493, The Colony ocated on Holcomb Circle, Vand located on Meadow View Lane, on CR 172, were not secure.	s at Southern Trace e, Baker Plantation, Drive, Meadow View	The lift stations Frederick Circle		
\$10,00	Base Penalty	В		1		
•			Human Health N	Property and I	Environmental,	<b>»</b>
			Harm			
•		Minor	Moderate	Major	Release	
• •					Actual	OR
	nt 5%	× Percent			Potential	
	American and a second		-1		l I	2015 North
•				/atrix	Programmatic N	»
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	· ·			monthly		
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\$3,000	Base Penalty	Violation Ba		semiannual		•
				annual		
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		to the state of the state of the state of the		1		1
•		lift stations noted during the n.	led based on the six 2, 2004 investigatio		Six single events	Events Notes
		Statutory Limit Test			Economic Benel	
	est	otaratory Emileacost	s violation	IIE(EB)IOFUIS		
\$4,230		Violation Final Pe	l	B Amount (\$)		
\$4,230	l Penalty total		\$285	B Amount (\$)		

Page	e 6 of 8 09/15/06	Economic I			NAL Woodmark_F	<sup>2</sup> CW.qpw	
Respondent	Algonquin Water R	and a second state of the second state and the second state of the	and a strend ward district of a free what i is	i dan sel i dal Terrar i babar factores	a barran a bir bir, dahar sayar oʻrinlarda rasyonda rimadi. Arbi		
the second state of the second	Enforcement Case			K Olindos		Percent	Years of
Media [Statute]						Interest	Depreciation
Violation Number	2					. 5.0	1701015271244267650742696677
	Item	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						Para ang Ang-
Delayed Costs				an an			
Equipment	in the providence of the art states of the			0.0	\$0	\$0	<u></u>
Buildings				0.0	\$0	\$0 \$0	
Other (As needed)				0.0	\$0	\$0	
Engineering/construction	\$3,250	12-Nov-2003	12-Feb-2005	1.3	\$14	\$272	\$2
Land				0.0	\$0	n/a	¥=
Record Keeping System				0.0	\$0	n/a	
Training/Sampling				0.0	\$0	n/a	
Remediation/Disposal				0.0	\$0	n/a	
Permit Costs				0.0	\$0	n/a	
Other (As Needed)				0.0	\$0	n/a	
Avoided Costs		NNUALIZE [1] av			round the six lift s		•
Disposal	energia de la companya de la company La companya de la comp			0.0	so	so	iueu costs)
Personnel				0.0	\$0	\$0	5
spection/Reporting/Sampling				0.0	\$0	\$0	;
. Supplies/equip		황산 가지 지역 : 1993 - 1993 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 - 1994 -		0.0	\$0	\$0	
Financial Assurance [2]				0.0	\$0	\$0	
ONE-TIME avoided costs [3]		n sel a transmission de la composición de la composición de la composición de la composición de la composición References de la composición de la comp		0.0	\$0	\$0	9
Other (as needed)				0.0	\$0	. \$0	\$
Notes for AVOIDED costs		·.					
			1				

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PCW	-	nber 2004-0677-MWD-E	Docket Nu	e 13-May-04	Screening Date	
vision 2 (09/02	•	a dba Woodmark Utilities	ter Resources of Amer	t Algonquin Wat	Respondent	
ision 2/10/200	PCW Revi		Case No. 15573	Enforcement C	Case ID No.	dina. 1944 Ngang
	101511400	ted Entity Reference No. RN10	it No. 13168-001: Reau	• TPDES Permit	ident/Site ID No.	Respon
			· •		Media [Statute]	
					Enf. Coordinator	F
					iolation Number	
	arational	S Permit No. 13168-001, Opera	8 305 125/1) and TPC	30 TAC		
		ints, Provision 1		e	rimary Rule Cite	
	A REAL PROPERTY OF A		in the second		econdary Cite(s) ation Description	
	dar Valley lift	tewater collection system in a r ation it was noted that the Ced sh grate for the lid to the wet w	ation. During the invest	prevent infiltra		v 101a
\$10,00	Base Penalty					
•		<b>FIX</b>	d Human Health M	, Property and	Environmental,	>>> 2
•			Harm			
•		lor	Moderate M	e Major	Release	sengeren d. Ser Sen i
•		·		1	Actual	OR
•	5%	Percent		1) <u>                                     </u>	Potential	
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•				Matrix	Programmatic N	»
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•	· •• ====	ctive of human health or	vironmental receptors.			Notes
	······································	Adjustment				
\$50	alty Subtotal	Base Penal				
•					Violation Events	
			ts1	violation Events	Number of Vi	
•	•			·····		
•			ly	x daily	only one; use small x	mark o
•			ly	monthly		
•			ly	quarterly		
\$50	se Penalty	Violation Bas	al	semiannua		
			al	annua		
			nt ×	single even		
		· · · · · · · · · · · · · · · · · · ·				_
		2, 2004 investigation date.	led based on the March	nt is recommende	One single event	Events
					ia mpinika Banalijan	Notes
		Chat itan il imitation		ofił (CD) for th	Page 201	
		Statutory Limit Test	IIS VIOIAUON	ent (EB) for th	Economic Bene	
Mana a		1/1-1-41 · FT · · F ·	n)			
\$70	enalty total	Violation Final Per	\$) \$4	EB Amount (\$)	Estimated E	
\$70	d for limits)	ssed Penalty (adjusted	iolation Final Ass	This Vi		
中的现在分词的影响的问题						國防國民國國際

<u>, cy</u>	e 8 of 8 09/15/0		Benefit Wor		NAL Woodmark_		
Respondent	Algonquin Water F		and the first sector of a sector of the sector sector sector sector. A sector sec	and a first factor of the st	the Challenger of the Science of Acare Science and a second	e andre en an ann a an	la forma del cardonario de deserte
والمحادث والمحافظ المردولا والمراجع والمراجع والمستحين والمحادث والمحافظ	Enforcement Case					Percent	Years of
Media [Statute]	Water Quality					Interest	Depreciation
Violation Number	3				•	5.0	1
	ltem.	Date	Final	Yrs	Interest	Onetime	EB
Item	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$		an a		n an Alban an Alban an Alban an Alban an Alban an Alban Alban an Alban an Alb Alban an Alban an Alb		
Delayed Costs				19350			
Equipment	\$50	12-Nov-2003	12-Feb-2005	1.3	\$0	\$4	<u>auto de los fondes en </u>
Buildings				0.0	\$0	\$0	
Other (As needed)				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				0.0	\$0	n/a	
Permit Costs				0.0	\$0	n/a	(
Other (As Needed)				0.0	\$0	n/a	
		Approximate cost	to provide solid, s	ealed lid	s for the wet well a	at the lift station.	
Avoided Costs		ANNUALIZE [1] av	/oided costs bef	ore ente	ring item (except	for one-time avo	ided costs)
Disposal				0.0	\$0	\$0	9
Personnel				0.0	\$0	\$0	9
nspection/Reporting/Sampling				0.0	\$0	\$0	. 9
Supplies/equip				0.0	\$0	\$0	
Financial Assurance [2]				0.0	\$0	\$0	9
ONE-TIME avoided costs [3]				0.0	\$0	\$0	
Other (as needed)				0.0	\$0	\$0	9
Notes for AVOIDED costs							
Approx Cost of Compliance	\$50					ſŎŢĄĿ	· \$

Policy Revision 2 (09/	Penalty Calculation Worksheet (PCW)	PCW Revision 2/10/2004
DATES		
PCW RESPONDENT INFORMATI		EPA Due
	Algonquin Water Resources of America dba Tall Timbers STP	
	TPDES No. 13000-001; Regulated Entity Reference No. RN101519981	, ,
Facility/Site Region	5 - Tyler Major/Minc	or Source Minor
CASE INFORMATION	Enforcement Case No. 15573	en e
		iolations 5
Case Priority	3 Order Type 1	660 without deferral
Enf. Coordinator	Erika Fair EC's Team E	nforcement Team 1
Media Program(s) Admin. Penalty \$ Limit		
	Penalty Calculation Section	
	Fenalty Galculation Section	
TOTAL BASE PENALT	Y (Sum of violation base penalties)	ubtotal 1 \$7,000
e para na mana na mang sa kaka na na mang na na panang na mang		zaname tu zin u nim u zinamin ni militari ni tu ni nime ta mu ni nime su nimerakana mana
ADJUSTMENTS (+/-) T	O SUBTOTAL 1	
	ined by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.	+
Compliance H	History 65% Enhancement Subtotal	s 2, 3 & 7 \$4,550
	Enhancement due to Notice of Violations issued September 22, 2000 and	
Notes	January 15, 2004 for the same or similar violations. In addition eleven months of	+
	effluent violations were documented at this facility location.	L.
[ - 1 - 2 12]] [ - 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2 2		
Culpability	0% Enhancement S	ubtotal 4 \$0
	No Select Yes/No	
Notes	Respondent does not meet culpability criteria.	+
140103		
Good Faith El	ffort to Comply         0% Reduction         S           Before NOV         NOV to EDPRP/Settlement Offer	ubtotal 5\$0
Ordinary		
None of the above	X (mark with small x)	+
Notes	Respondent is not yet in compliance.	
		40 4 F C
Economic Be		<i>uniolal</i> ol \$0
	\$687 Total EB Amounts *Capped at the Total EB \$ Amount \$4,500 Approx. Cost of Compliance	=
l		
SUM OF SUBTOTALS	1-7 Final S	Subtotal \$11,550
an a		+
OTHER FACTORS AS .	JUSTICE MAY REQUIRE	lustment \$0
Reduces or enhances the Final Sub	total by the indicated percentage. (enter number only; e.g30 for -30%)	
Noton		_
Notes		-
L	Final Penalty	Amount \$11,550
		\$110 time\$11,000
STATUTORY LIMIT AD	JUSTMENT Final Assessed	Penalty \$11,550
DEFERRAL		- ustment \$0
annan de Barre a fannais 2000. Na de ser el 14 e 26 e 26 e 26 Mart - A considérations de Aliando		uounent bU
Reduces the Final Assessed Penalty	y by the indicated percentage. (enter number only; e.g. 20 for 20% reduction) No deferral is offered due to an NOV issued on January 15, 2004 for the same	
Notes	violations.	=
L		
PAYABLE PENALTY		\$11,550

Coordinator	$\mathbf{b}$		
Site Address	16459 Neighbors Road, Tyler		
Compliance F	Compliance History Worksheet		
Component	Number of Enter N	lumber Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	13	65%
•	Other written NOVs	0	0%
	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	<b>0</b>	0%
Orders	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments	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%
and Consent Decrees	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events (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 Environmental management systems in place for one year or more	er Yes or No N	00/
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	N	<u>0%</u> 0%
Other	Participation in a voluntary pollution reduction program	Ν	
	Early compliance with, or offer of a product that meets future state or federal	N	0%
	government environmental requirements		0%
	Adjustment Per	centage (Si	ubtotal 2)
Repeat Violato	o <mark>r (Subtotal 3)</mark>		0.257391
No	Select Yes/No Adjustment Per	centage (Si	ubtotal 3)
Compliance H	istory Person Classification (Subtotal 7)		t oppingen Regeneration
Average Perfor		centage (Si	ubtotal 7)
		- ,	
History Sumr	nary		

	Screening Date	13-May-04	Docket	Number 2	2004-0677-MWD-E		PCW
	Respondent	Algonquin Water	Resources of A	merica dba <sup>-</sup>	Tall Timbers STP	-	sion 2 (09/02)
가 위험을 가지. 1975년 - 1957	Case ID No.	Enforcement Ca	se No. 15573			PCW Revisi	on 2/10/2004
Respo	ndent/Site ID No.	TPDES No. 1300	00-001; Regulate	ed Entity Ref	erence No. RN10151998	1	
	Media [Statute]						
	Enf. Coordinator	•	•				
0.4464.0008.00	Violation Number	1					
		30 TAC 8	305 125(1) and <sup>-</sup>	TPDES Pern	nit No. 13000-001, Opera	tional	
F	Primary Rule Cite	00 1/10 3					
	Secondary Cite(s)		<u></u>				
	lation Description	Eailura ta pro	norty maintain th	o vicetovicto	r collection system in a m	apporto	
	<b>_</b>	prevent infiltrat (large) lift st	ion. During the ir ation possessed Respondent faile	nvestigation a steel mes	it was noted that the Irish h grate for the lid to the w y install and maintain the	Meadows et well.	
					Ba	se Penalty	\$10,000
*	Environmental,	Property and I	- Human Health	n Matrix		se i enang	• • • •
(1, 1)		intopolity-dilida	Harm				
	Release	Major	Moderate	Minor			
	Actual				-		
OR	942 1			x	Percent	5%	•
	Potential				rercent	5%	• .
400 - 400 - 500 1995 - 400 - 500 1996 - 60							•
».	Programmatic N						•
6 41 40 4	Falsification	Major	Moderate	Minor			•
OR					Percent		•
Matrix Notes		i would not excee		protective of	ficant amounts of f human health or		•
	· ·				Adjustment	-\$9,500 • •	• • •
		•			Base Penalt	y Subtotal	\$500
	Violation Events						•
	Number of Vi	olation Events	1				
		1	•				•
mark	only one; use small x	daily					
	· · ·	monthly					
		quarterly					
		semiannual			Violation Base	e Penaltv	\$500
		annual			110144011 240	· · · · · · · · · · · · · · · · · · ·	
		single event	x				
	1	Single event					
Events	One single event	is recommended	based on the Ma	arch 2 2004	investigation date.		
Notes		13 recommended	Dabed off the Mit		investigation date.		
				Second and a second			
	Economic Bene	fit (EB) for this	violation	Ξ	Statutory Limit Test	(19. )))) BARRY	
	L.	г					
	Estimated E	B Amount (\$)	\$48		Violation Final Pen	alty total	\$825
	•						
			Indiana Presidente		Develop for the stands of the	· · · · · · · · · · · · · · · · · · ·	<b>*</b>
	NC.261141211-1414-1449-1449-1449-1449-1449-14	This Vio	iation Final A	issessea	Penalty (adjusted f	or limits)	\$825

.

ID Number			rica dba Tall Timbo	ers STP	5	Percent	Years of
Media [Statute]	Enforcement Case	INO. 15573	•			Interest	Depreciation
Violation Number	1				, da	5.0	098 anto consolo 1862 8 1!
	ltem	Date	Final	Yrs	Interest	Onetime	EB
ltem	Cost	Required	Date		Saved	Costs	Amount
Description	No commas or \$						
	annaichte anns tairte i			Na star			an a
Delayed Costs Equipment	\$550	12-Nov-2003	12-Feb-2005		<u></u>	¢40	ት ብ
Buildings	4000	12-1100-2003	12-1 60-2003	1.3 0.0	\$2 \$0	. \$46 \$0	<u>\$4</u> \$
Other (As needed)				0.0	<u>\$0</u> \$0	\$0 \$0	3
Engineering/construction				0.0	\$0 \$0	\$0 \$0	<u> </u>
Land				0.0	<u>\$0</u> \$0	n/a	4
Record Keeping System				0.0	\$0 \$0	n/a	
Training/Sampling				0.0	\$0 \$0	n/a	
Remediation/Disposal				0.0	\$0	n/a	
Permit Costs				0.0	\$0	n/a	g
Other (As Needed)				0.0	\$0		
Notes for DELAYED costs	t	<u>_</u>				n/a	
Notes for DELAYED costs	Approximate cos	st to provide a soli			ell at the lift station		
Notes for DELAYED costs				e wet we device.		, and to install a flo	ow measuring
				e wet we device.	ell at the lift station	, and to install a flo	ow measuring bided costs)
Avoided Costs				e wet we device. ore ente	ell at the lift station	, and to install a flo	ow measuring bided costs)
Avoided Costs Disposal				e wet we device. ore ente	ell at the lift station ring item (except \$0	, and to install a flo for one-time avo \$0	ow measuring bided costs) \$
Avoided Costs Disposal Personnel				ore ente	ell at the lift station pring item (except \$0 \$0	, and to install a flo for one-time avo \$0 \$0	ow measuring bided costs) \$ \$ \$
Avoided Costs Disposal Personnel inspection/Reporting/Sampling				ore ente 0.0 0.0 0.0	ell at the lift station ring item (except \$0 \$0 \$0	for one-time avc \$0 \$0 \$0	ow measuring bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip				e wet we device. ore ente 0.0 0.0 0.0 0.0	ell at the lift station ring item (except \$0 \$0 \$0 \$0 \$0	for one-time avc \$0 \$0 \$0 \$0 \$0 \$0	ow measuring bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs. Disposal Personnel inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				e wet we device. ore ente 0.0 0.0 0.0 0.0	ell at the lift station ring item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ow measuring bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]				e wet we device. 0.0 0.0 0.0 0.0 0.0 0.0	ell at the lift station ring item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	, and to install a flo for one-time avc \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	ow measuring bided costs) \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$ \$
Avoided Costs. Disposal Personnel inspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3] Other (as needed)				e wet we device. 0.0 0.0 0.0 0.0 0.0 0.0	ell at the lift station ring item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	, and to install a flo for one-time avc \$0 \$0 \$0 \$0 \$0 \$0 \$0 \$0	

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	Screening Date	-	a than by the first of the		2004-0677-MWD-E		PCW
	Respondent	Algonquin Wat	er Resources of	America dba	a Tall Timbers STP		ision 2 (09/02)
	승규는 이 것에 물질 때에서 가지 않는 것이 하는 것이 없다.	Enforcement C					sion 2/10/2004
Respor			000-001; Regula	ted Entity Re	eference No. RN10151998	31	
	Media [Statute]						
The state of the state of the state	Enf. Coordinator	1	<u> </u>				
	iolation Number	2				I	
	rimary Rule Cite				5) and 317.3(a)		
	econdary Cite(s)	TPDES Per	rmit No. 13000-0	01, Operatio	onal Requirements, Provisi	ion No. 1	
Viola	tion Description				ruder-resistant with control ); and Irish Meadows (sma e.		
					B:	ase Penalty	\$10,00
»	Environmental,	Property and	Human Heal	th Matrix			•
			Harm				•
17 C.	Release	Major	Moderate	Minor	ก		•
ÓR	Actual				-		• •
	Potential			×	Percent	5%	•
		Secretary of the second		<b>11</b>			•
<b>»</b>	Programmatic N	1atrix		國家國家的目			•
	Falsification	Major	Moderate	Minor	a 📻		•
OR					Percent	]	•
Notes		envi	ronmental recept	tors.	Adjustment	-\$9,500 · ·	
					Base Penalt		\$500
	Violation Events						· · ·
enasurantera di	Number of Vi		ś 3				
			•				•
mark .	only one; use small x	daily monthly	У				• *
		quarterly semiannua annua single event			Violation Bas	e Penalty	\$1,50
Events Notes	Three single ever		ended based on 1 2, 2004 investig		stations noted in the	,	
	Economic Benel	fit (EB) for thi	is violation		Statutory Limit Test		
	Estimated E	B Amount (\$)	) \$132	2]	Violation Final Per	nalty total	\$2,47
				•		·	
		This Vi	olation Final	Assessed	d Penalty (adjusted i	for limits)	\$2,47

		Economic I	Benefit Wor				
Respondent	Algonquin Water R	Resources of Ameri	ca dba Tall Timbo	ers STP			
ID Number(s)	Enforcement Case	No. 15573				Percent	Years of
Media [Statute]	Water Quality				12 17 17	Interest	Depreciation
Violation Number	2		n an	ante esta de tablec	stees an construction of	5.0	15
	ltem	Date	Final	Yrs	Interest	Onetime	. EB
Item Description	Cost No commas or \$	Required	Date	한 사람은 것을 물었다. 이 가장 가족은 관련을	Saved	Costs	Amount
allevel same to the <b>south south</b> is	ger Millig Billig anna e baaile e b	alen al estis vicini bibliochiech.	is an a bhair, sin 8 airs ann an s- -	e në esteristi.	e norme o historialis. S	adalar dalar dala dala da angle	ersselfer er och för störe tidslif
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,500	12-Nov-2003	12-Feb-2005	1.3	\$6	\$125	\$132
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
<b>Remediation/Disposal</b>				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
		Approximate	e cost to provide f	fences aro	und the three lift	t stations.	
Avoided Costs	1	ANNUALIZE [1] av	oided costs bef	ore enteri	ng item (except	t for one-time avo	oided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
		i de la constata de l	Constant Anna an Anna a' Anna a	0.0	\$0	00	
ONE-TIME avoided costs [3]	and the second second			0.0	<u></u>	\$0	\$0
Other (as needed)				0.0	\$0 .\$0	\$0 \$0	\$0 \$0
					·	1	
Other (as needed)					· · · · · · · · · · · · · · · · · · ·	1	
Other (as needed)		· · · · · · · · · · · · · · · · · · ·	•		.\$0	1	

	Screening Date	-	the second second second second	a process against a pro-	2004-0677-MWD-E	Policy Revis	PCW ion 2 (09/02)
	그는 것 같은 것 같은 것 같은 것 같 것 같 것 같 것 같 것 같 것 같			merica dba	Tall Timbers STP		on 2/10/2004
	도 옷 위에 비행되는 이번 방법이 이번 것이야.	Enforcement Cas			Same No. DNI4045400		
Respor			JU-UUT; Regulate	εα επαίγ κε	ference No. RN1015199	01	
	Media [Statute]						
and the second second	Enf. Coordinator iolation Number		1				
			30 TAC &	8 305 125/5	) & 317.4(b)(1)		
	rimary Rule Cite econdary Cite(s)		tion No. 1				
	ition Description		11110. 10000-00		nal Requirements, Provis		
VIUI	nion Description	screen had beei	n modified in a n	nanner whic	reatment facility's bar scr h, during high flow condi aped hole cut into the ba	tions, allows	
		יין אין אין אין אין אין אין איז איז אין אין איז אין			B	ase Penalty	\$10,000
<b>)</b>	Environmental,	Property and H	Human Health Harm	n Matrix			
	Release	Major	Moderate	Minor			•
OR	Actual				F	······	•
	Potential			x	Percent	5%	•
»	Programmatic N	1atrix					
	Falsification	Major	Moderate	Minor			
OR					Percent		· •
Matrix Notes		would not excee		protective of	ificant amounts of of human health or		•
					Adjustment	-\$9,500	
				CART TO STREET OF CARE	Base Penal	ty Subtotal	\$500
	Violation Events Number of Vie	T	1		••••••••••••••••••••••••••••••••••••••		• • • • •
mark	only one; use small x	daily monthly quarterly					
		semiannual annual single event	×		Violation Bas	se Penalty	\$500
Events Notes					investigation date.		
	Economic Benel	III.(EB) for this	violation	11000000-15172	Statutory Limit Test.		
	Estimated E	B Amount (\$)	\$18		Violation Final Pe	nalty total	\$825
		This Vio	lation Final A	Assessed	l Penalty (adjusted	for limits)	\$825

Media [Statute]	Enforcement Case		ica dba Tall Timbe	ers STP		Percent Interest	Years of Depreciation
Violation Number	2					5.0	1:::::::::::::::::::::::::::::::::::::
	Item	Date	Final	Yrs	ب Interest	Onetime	EB
ltem Description	Cost No commas or \$	Required	Date		Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$
Buildings				0.0	\$0	\$0	\$
Other (As needed)				0.0	\$0	\$0	\$
Engineering/construction	\$200	12-Nov-2003	12-Feb-2005	1.3	\$1	\$17	\$1
Land		· ·		0.0	\$0	n/a	\$
Record Keeping System				0.0	<b>\$0</b> 🗄	n/a	\$
Training/Sampling			1	0.0	\$0	n/a	\$
<b>Remediation/Disposal</b>	1f			0.0	\$0	n/a	
Permit Costs				0.0	\$0	n/a	\$
Other (As Needed)				0.0	\$0	n/a	\$
Notes for DELAYED costs		Approximate cost I	to provide an ade	quate bar	screen at the Tal	l Timbers plant.	
Avoided Costs		Approximate cost 1					
Avoided Costs Disposal	, Α						
Avoided Costs Disposal Personnel	, 			ore enter	ing item (except	for one-time avc	ided costs)
Avoided Costs Disposal Personnel (nspection/Reporting/Sampling				ore enter	ing item (except	for one-time avo	ided costs) \$
Avoided Costs Disposal Personnel inspection/Reporting/Sampling Supplies/equip				ore enter 0.0 0.0	ing item (except \$0 \$0	for one-time avc \$0 \$0	ided costs) \$ \$
Avoided Costs Disposal Personnel Inspection/Reporting/Sampling Supplies/equip Financial Assurance [2]				ore enter 0.0 0.0 0.0	ing item (except \$0 \$0 \$0	for one-time avo \$0 \$0 \$0	ided costs) \$ \$ \$ \$
Avoided Costs Disposal Personnel nspection/Reporting/Sampling Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]				ore enter 0.0 0.0 0.0 0.0	ing item (except \$0 \$0 \$0 \$0 \$0 \$0 \$0	for one-time avo \$0 \$0 \$0 \$0 \$0 \$0 \$0	ided costs) \$ \$ \$ \$ \$ \$
Avoided Costs Disposal Personnel (nspection/Reporting/Sampling Supplies/equip Financial Assurance [2]				ore enter 0.0 0.0 0.0 0.0 0.0	ing item (except \$0 \$0 \$0 \$0 \$0 \$0	for one-time avo \$0 \$0 \$0 \$0 \$0 \$0	ided costs) \$ \$ \$

Screening I	Date 13-May-04	Docket Nu	mber 2004-0677	-MWD-E		PCW
Respond	dent Algonquin Water	Resources of Ameri	ca dba Tall Timbe	rs STP	Policy Revis	
Case ID	No. Enforcement Cas	se No. 15573			PCW Revisi	on 2/10/2004
<b>Respondent/Site ID</b>	No. TPDES No. 1300	0-001; Regulated Er	ntity Reference No	. RN101519981		*
Media [Stat	ute] Water Quality					
Enf. Coordin	ator Erika Fair					
Violation Num	ıber 4					
Primary Rule	Cite 30 TAC § 30	05.125(1), (4) and (5 Conditions, 2.g., and	), TPDES Permit N Tex. Water Code §	lo. 13000-001, P ≩ 26.121(a)	ermit	
Secondary Cit	te(s)	· · · · · · · · · · · · · · · · · · ·				
Violation Descrip	tion Failure to prever Specifically, accumulated in	nt sludge from discha the investigator docu the receiving stream, tream for a distance efflue	mented several ar Sludge had been	eas where sludg deposited interm	e had ittently in	
			•	Base	Penalty	\$10,00
» Environmer	ital, Property and I	Human Health Ma	atrix		J	
		Harm				
Rel	ease Major		inor			
	ctual	x				
Pote				Percent	25%	
» Programma	tic Matrix					
Falsificatio		Moderate M	inor			
OR				Percent	· · ·	
Notes	ent to a significant amo are protective of humai	n health or environme	ental receptors.		<b>#7</b> 500	•.
			A	ljustment	-\$7,500	
				Base Penalty	Subtotal	\$2,50
Violation Ev						•
Number of	of Violation Events	1.				• • • •
mark only one; use sn	monthly	x				• •
	quarterly semiannual annual single event		Vi	olation Base	Penalty	\$2,50
	event is recommended ing date of May 13, 200					
Economic B	enefit (EB) for this	violation	Statutory	Limit Test		
Estimat	ed EB Amount (\$)	\$94	Violatio	on Final Pena	Ity total	\$4,12
	This Vio	lation Final Ass	essed Penalty	(adjusted fo	r limits)	\$4,12

.

		the fact of the second s	Benefit Wor	S which there is a	t		
그렇게 안내 있는 것 같아. 그는 것 같은 것 같은 것 같아. 그는 것 같아. 것 같아.		Resources of Amer	rica dba Tall Timb	ers STP		Percent	Years of
ID Number(s)   Media [Statute]		E NO. 15573				Interest	Depreciation
Violation Number	4				2 2	5.0	1500 (1890) 1500 (1890)
	4 Item	Date	Final	Yrs	L Interest	Onetime	EB
Item Description	Cost No commas or \$	Required	Date	119	Saved	Costs	Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$(
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$(
Record Keeping System	e e e	•		0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$1,500	12-Nov-2003	12-Feb-2005	1.3	\$94	n/a	\$94
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0
Avoided Costs		Estimated	cost to remove the				ided costs)
Disposal				0.0	\$0	\$0	\$C
Personnel				0.0	\$0	\$0	\$C
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$C
Financial Assurance [2]				0.0	\$0	\$0	\$C
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$C
Other (as needed)				0.0	\$0	\$0	\$C
Notes for AVOIDED costs							
Approx Cost of Compliance	\$1,500					TOTAL	\$94

한 상품 등록 이상을 위해 가지 않는 것 같은 것 같이 많이 있다.	• • • • • • • •	and the second second second from the	r 2004-0677-MWD-E	Policy Revis	ion 2 (09/02)
김 씨는 모습이 아파는 그렇게 있는 것이 가지 않는 것이 같아.	Algonquin Water Res		a Tall Timbers STP	-	on 2/10/2004
입장 승규는 것은 것은 물건을 얻는 것을 물건을 받는 것이 없다.	Enforcement Case No		Deference No. DN404540004		
		1; Regulated Entity F	Reference No. RN101519981		
Media [Statute]	,		· .		
Enf. Coordinator Violation Number	Erika Fair 5	•			
Primary Rule Cite	TPDES Permit N		Effluent Limitations and Moni	toring	
	Require		x. Water Code § 26.121(a)		
Secondary Cite(s)		30 Tex. Admin. Co			
Violation Description	Respondent failed to the	comply with permit lir e Effluent Limit Viola	nits at the Tall Timbers site a tion Table attached.	as shown in	
			Bas	se Penalty	\$10,000
» - Environmental, I	Property and Hum	an Health Matrix			•
	]	Harm			•
Release	Major M	oderate Minor	_		•
OR Actual		X			•
Potential			Percent	10%	•
			1274		•
Programmatic N	latrix				•
Falsification	<u>Major M</u>	oderate Minor			•
OR			Percent		•
Matrix to determine whe	ther the discharged ar	mounts of pollutants e	onia Nitrogen ("NH3-N") exceed levels that are lischarged at the time of		•
Matrix to determine whe protective of human	ther the discharged ar health and the environ nsignificant and did no	mounts of pollutants ender the number of pollutants of pol	exceed levels that are		• • •
Matrix to determine whe protective of human	ther the discharged ar health and the environ nsignificant and did no	mounts of pollutants e nment. The NH3-N c at exceed levels that a	exceed levels that are discharged at the time of are protective of human Adjustment	-\$9,000	•
Matrix protective of human	ther the discharged ar health and the environ nsignificant and did no	mounts of pollutants e nment. The NH3-N c at exceed levels that a	exceed levels that are discharged at the time of are protective of human		
Matrix protective of human	ther the discharged ar health and the environ nsignificant and did no health and th	mounts of pollutants e nment. The NH3-N c at exceed levels that a	exceed levels that are discharged at the time of are protective of human Adjustment		
Matrix Notes to determine whe protective of human the violations was in	ther the discharged ar health and the environ nsignificant and did no health and th	mounts of pollutants e nment. The NH3-N c at exceed levels that a	exceed levels that are discharged at the time of are protective of human Adjustment		
Matrix Notes Violation Events	ther the discharged ar health and the environ nsignificant and did no health and th	nounts of pollutants e nment. The NH3-N o t exceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment		
Matrix Notes Violation Events	ther the discharged ar health and the environ nsignificant and did no health and th plation Events	nounts of pollutants e nment. The NH3-N o t exceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment		
Matrix Notes to determine whe protective of human the violations was in Violation Events Number of Vio	ther the discharged ar health and the environ nsignificant and did no health and the plation Events daily	nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment		
Matrix Notes to determine whe protective of human the violations was in Violation Events Number of Vio	ther the discharged ar health and the environ nsignificant and did no health and the health and the plation Events daily monthly quarterly	nounts of pollutants e nment. The NH3-N o t exceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000 
Matrix Notes to determine whe protective of human the violations was in Violation Events Number of Vio	ther the discharged ar health and the environ nsignificant and did no health and the plation Events daily	nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment	7 Subtotal	\$1,000 
Matrix Notes to determine whe protective of human the violations was in Violation Events Number of Vio	ther the discharged ar health and the environ nsignificant and did no health and the health and the blation Events daily quarterly semiannual annual	nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000 
Matrix Notes to determine whe protective of human the violations was in Violation Events Number of Vio	ther the discharged ar health and the environ nsignificant and did no health and the health and	nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000 
Matrix Notes       to determine whe protective of human the violations was in         Violation Events         Violation Events         Number of Vio         mark only one; use small x	ther the discharged ar health and the environ nsignificant and did no health and the health and the plation Events daily quarterly semiannual annual	nounts of pollutants of non-         nment. The NH3-N of texceed levels that a ne environment.         2         2         x	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000 
Matrix Notes       to determine whe protective of human the violations was in         Violation Events         Violation Events         Number of Vio         mark only one; use small x	ther the discharged ar health and the environ nsignificant and did no health and the health and the plation Events daily quarterly semiannual annual single event	nounts of pollutants of non-         nment. The NH3-N of texceed levels that a ne environment.         2         2         x	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000
Matrix Notes       to determine whe protective of human the violations was in         Violation Events         Violation Events         Number of Vio         mark only one; use small x         Events         Two quarterly event	ther the discharged ar health and the environ nsignificant and did no health and the health and the plation Events daily quarterly semiannual annual single event	nounts of pollutants of nment. The NH3-N of texceed levels that a ne environment.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	\$1,000
Matrix Notes       to determine whe protective of human the violations was in         Violation Events Number of Vio mark only one; use small x         Events Notes       Two quarterly event	ther the discharged ar health and the environ nsignificant and did no health and the health and the plation Events daily quarterly semiannual annual single event	2         2         x         ased on the violation id August 2003.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty	7 Subtotal	
Matrix Notes       to determine whe protective of human the violations was in         Violation Events Number of Violation mark only one; use small x         Events Notes       Two quarterly event         Economic Beneficier	ther the discharged ar health and the environ nsignificant and did no health and the plation Events daily quarterly semiannual annual single event s are recommended b July 2003 an	2         2         x         ased on the violation id August 2003.	exceed levels that are discharged at the time of are protective of human Adjustment Base Penalty Violation Base months of March 2003,	Y Subtotal         Y Subtotal	\$1,000 
Matrix Notes       to determine whe protective of human the violations was in         Violation Events Number of Violation mark only one; use small x         Events Notes       Two quarterly event         Economic Beneficier	ther the discharged ar health and the environ nsignificant and did no health and the plation Events daily quarterly semiannual single event s are recommended b July 2003 an it (EB), for this viol	ased on the violation         \$395	Adjustment Adjustment Base Penalty Violation Base months of March 2003, Statutory Limit Test	Y Subtotal         Y Subtotal         Y Penalty         Y Penalty         Y alty total	\$1,000  \$2,000

전 이상 방법에서 있는 것 같은 것 같이 있는 것 같이 많이 많이 했다.		Resources of Amer	ica dba Tall Timbe	ers STP	57	an and a second s	e na se
ID Number(s)		e No. 15573				Percent Interest	Years of Depreciation
Media [Statute]	Water Quality				a de la companya de la	n fallado Arriton qu	Depreciation
Violation Number	5	u comaismean eanse a	9679-0471, AND 4271-2360, S	RANGEROOM	1.0000000000000000000000000000000000000	5.0	15
Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$C
Buildings				0.0	\$0	\$0	\$C
Other (As needed)				0.0	\$0	\$0	\$C
Engineering/construction				0.0	\$0	\$0	\$C
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$C
Avoided Costs		ANNUALIZE [1] av	oided costs befo	ore enter	ing item (except	for one-time avo	ided costs)
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	· \$0	. \$0
	\$750	1-Mar-2003	31-Aug-2003			\$376	·····
Inspection/Reporting/Sampling	φιουμ	1-IVIAI-2003		0.51	219		\$395
Inspection/Reporting/Sampling Supplies/equip		1-10/21-2003		0.5	\$19 \$0	\$0	\$395 \$0
	φ <b>100</b>				\$0	\$0	\$0
Supplies/equip				0.0	\$0 \$0	\$0 \$0	\$0 \$0
Supplies/equip Financial Assurance [2]				0.0 0.0 0.0	\$0 \$0 \$0	\$0 \$0 \$0	·····
Supplies/equip Financial Assurance [2] ONE-TIME avoided costs [3]		for additional overs		0.0 0.0 0.0 0.0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0	\$0 \$0 \$0 \$0

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# **Compliance History**

	*	•		
Customer/Respondent/Owner-Operator:	<u>CN601552292</u> <u>Algonquin Water I</u> <u>America, Inc.</u>	Resources Of	Classification: AVERA	<u>GE</u> <u>Rating: 1.010</u>
Regulated Entity: ID Number(s):	RN101519981 TALL TIMBERS		lassification: AVERAGE	
	WASTEWATER LICENSING WASTEWATER WASTEWATER	LICENSE PERMIT PERMIT		WQ0013000001 TPDES0101010 WQ0013000001
Location:	16459 NEIGHBORS RD, TYLER,	TX, 75703	Rating Date: 9/1/03 Rep	peat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared: Agency Decision Requiring Compliance H Compliance Period:	May 17, 2004           istory:         Enforcement           May 17, 1999 to May 17, 2004			
TCEQ Staff Member to Contact for Additi Name: Erika Fair	onal Information Regarding this Con Phone: (512) 23			
<ol> <li>Has the site been in existence and/or ope</li> <li>Has there been a (known) change in owr</li> <li>If Yes, who is the current owner?</li> <li>if Yes, who was/were the prior owner(s)</li> <li>When did the change(s) in ownership of</li> </ol>	ership of the site during the complia	nce period? nce period? N/A N/A	No No	
	Components (Multimedia) for the	ne Site :		
A. Final Enforcement Orders, court judger	nents, and consent decrees of the sta	te of Texas and th	e federal government.	
N/A				
B. Any criminal convictions of the state of	Texas and the federal government.	•		
N/A	· · · ·	•		
C. Chronic excessive emissions events.				• •
N/A				
D. The approval dates of investigations. (C	CEDS Inv. Track. No.)			
<ol> <li>09/22/2000 (247507)</li> <li>01/31/2003 (220033)</li> <li>01/22/2002 (220032)</li> <li>05/17/2001 (39233)</li> <li>01/12/2001 (220031)</li> </ol>	·	•		
. 4				
				• .

6.	12/15/2001 (220030)
	12/19/2000 (220029)
8.	04/16/2004 (265118)
	12/02/2002 (220028)
	11/19/2001 (220027)
11.	11/17/2000 (220026)
12.	10/19/2001 (220025)
13.	10/23/2000 (220024)
14.	09/13/2002 (220023)
15.	09/14/2001 (220022)
16.	10/18/2002 (220021)
	09/18/2000 (220020)
	08/23/2002 (220019)
	08/17/2001 (220018)
20.	08/21/2000 (220017)
	07/18/2002 (220016)
	07/13/2001 (220015)
	06/20/2002 (220014)
	06/15/2001 (220013)
	06/16/2000 (220012)
	05/16/2002 (220011)
	05/24/2001 (220010)
	05/22/2000 (220009)
	04/17/2002 (220008)
	04/18/2001 (220007)
	04/11/2003 (31225)
	03/18/2002 (220006)
	03/16/2001 (220005)
	02/15/2002 (220004)
35.	02/20/2001 (220003)

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

(247507) Date: 09/22/2000 1. Classification: Moderate Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(1) Description: NON-RPT VIOS FOR MONIT PER OR PIPE 2. Date: 01/15/2004 (257543) Self Report? NO Classification: Minor 30 TAC Chapter 305, SubChapter F 305.125(1) Citation: **Rqmt** Prov: PERMIT IA Description: Failure to properly maintain the wastewater collection system in a manner to prevent infiltration. Classification: Moderate Self Report? NO 30 TAC Chapter 305, SubChapter F 305.125(5) Citation: 30 TAC Chapter 317 317.3[G] Rqmt Prov: PERMIT IA Description: Failure to ensure all lift stations are intruder-resistant with a controlled access. Classification: Minor Self Report? NO Citation: 30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(b)(1) PERMIT IA Rqmt Prov:

9.	Date: 01/31/2002 (220004) Self Report? YES Citation: 30 TAC Chapter 305, SubChapter F 305.1	Classification: Moderate
9.		
	$D_{-4-1} = 0.1/2.1/2002 = (22000.4)$	
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	25(1)
	Self Report? YES	Classification: Moderate
8.	Date: 02/28/2002 (220006)	
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	
-	Self Report? YES	Classification: Moderate
7.	Date: 03/31/2001 (220007)	
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	
	Self Report? YES	Classification: Moderate
6.	Date: 03/31/2002 (220008)	A A'
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	
	Self Report? YES	Classification: Moderate
5.	Date: 04/30/2002 (220011)	'
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? YES	Classification: Moderate
4.	Date: 05/31/2002 (220014)	· · · · · · · · · · · · · · · · · · ·
	Description: Failure to meet the limit for or	ne or more permit parameter
	TWC Chapter 26 26.121(a)[G]	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? YES	Classification: Moderate
3.	Date: 07/31/2002 (220019)	
		n discharging from the wastewater treatment facility.
	Rqmt Prov: PERMIT IA	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? NO	Classification: Moderate
	No. 13000-001 for the self-reporting mon	
		Limitations and Monitoring Requirements specified in TPDES Permit
•	Rqmt Prov: PERMIT IA	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? NO	Classification: Moderate
		maintain the primary flow measuring device.
	Rqmt Prov: PERMIT IA	·
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? NO	Classification: Minor
		residual between 1.0-4.0 mg/L in the effluent.
	Rqmt Prov: PERMIT IA	
	Citation: 30 TAC Chapter 305, SubChapter F 305.1	125(1)
	Self Report? NO	
	Calf Dan art? NO	Classification: Minor

	Description: Failure to meet the limit for one or more permit parameter
10.	Date: 01/31/2001 (220003)
	Self Report? YES Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
	TWC Chapter 26 26.121(a)[G]
	Description: Failure to meet the limit for one or more permit parameter
11.	Date: 03/31/2003
	Self Report? YES Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
•	TWC Chapter 26 26.121(a)[G]
	Description: Failure to meet the limit for one or more permit parameter
12.	Date: 07/31/2003
	Self Report? YES Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
	TWC Chapter 26 26.121(a)[G]
	Description: Failure to meet the limit for one or more permit parameter
13.	Date: 08/31/2003
	Self Report? YES Classification: Moderate
	Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
	TWC Chapter 26 26.121(a)[G]
	Description: Failure to meet the limit for one or more permit parameter
F. Env	rironmental 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

# **Compliance History**

<i>'</i>		<b>I</b> . <b>U</b>		•	
Customer/Respondent/Owner-Operator:	CN601552292	Algonquin Water Resou America, Inc.	arces Of	Classification: AVERA	GE Rating: 1.010
Regulated Entity: ID Number(s):	RN101511400	WOODMARK UTIL	Cla	ssification: AVERAGE	Site Rating: 1.25
ID IVIIIIOEI(S).	WASTEWATE	R LICENSING	LICENSE	•	WQ0013168001
	WASTEWATE		PERMIT		TPDES0098795
	WASTEWATE	ίR	PERMIT		WQ0013168001
Location:	HWY 346, TY	LER, TX, 75713		Rating Date: 9/1/03 Re	peat Violator: NO
TCEQ Region:	REGION 05 - 7	<b>TYLER</b>			
Date Compliance History Prepared:	May 17, 2004	,			
Agency Decision Requiring Compliance H Compliance Period:	May 17, 1999 t	rcement o May 17, 2004			
Compnance r criod.	wiay 17, 1999 t	0 Willy 17, 2004			
TCEQ Staff Member to Contact for Addition Name: Erika Fair		Regarding this Complianone: (512) 239-6673			
	Site Co	mpliance History Comp	onents		
1. Has the site been in existence and/or op	eration for the fu	ll five year compliance p	eriod?	No	
2. Has there been a (known) change in own	nership of the site	e during the compliance p	period?	No	
3. If Yes, who is the current owner?	<b>\</b> 0		N/A		
<ol> <li>4. if Yes, who was/were the prior owner(s</li> <li>5. When did the change(s) in ownership o</li> </ol>			N/A N/A		
5. When the the change(s) in ownership o	cour:		1.771		
	Components	(Multimedia) for the Si	te :		
A. Final Enforcement Orders, court judge	ments, and conse	nt decrees of the state of	Texas and th	e federal government.	
N/A				. *	
B. Any criminal convictions of the state of	f Texas and the f	ederal government.			
N/A					•
C. Chronic excessive emissions events.					
N/A					
D. The approval dates of investigations. (	CCEDS Inv. Trac	ck. No.)			
1. 05/30/2002 (IE001825800 2. 11/22/1999 (142008)	01001)			. · · ·	

- 11/22/1999 (142008)
   01/31/2000 (218597)
   04/11/2003 (31664)
   01/31/2003 (218596)
   02/13/2002 (218595)

7.	02/12/2001 (218594)
8.	01/05/2000 (218593)
9.	12/30/2002 (218592)
10.	01/07/2002 (218591)
	02/12/2001 (218590)
12	12/06/1000 (218580)
13.	12/06/2001 (218588)
14.	12/11/2000 (218587)
	11/27/2002 (218586)
16.	08/30/2000 (218585)
17.	10/28/2002 (218584)
	11/01/2001 (218583)
	11/20/2000 (218582)
20.	09/16/2002 (218581)
21.	09/20/2001 (218580)
22.	07/31/2000 (247491)
23.	10/30/2000 (218579)
24.	01/04/2001 (38446)
25.	
	09/04/2001 (218577)
	10/02/2000 (218576)
28.	07/29/2002 (218575)
	08/01/2001 (218574)
	08/21/2000 (218573)
	07/18/2002 (218572)
	07/09/2001 (218571)
	08/07/2000 (218570)
	04/16/2004 (264909)
35.	05/24/2002 (218569)
36.	05/23/2001 (218568)
37.	06/20/2000 (218567)
	04/30/2003 (218566)
39.	
40.	04/20/2001 (218564)
41.	05/30/2000 (218563)
42.	04/13/2000 (218562)
	03/17/2003 (218561)
44.	03/25/2002 (218560)
45.	04/06/2001 (218559)
46.	02/19/2002 (218558)
47.	04/06/2001 (218557)
48.	03/03/2000 (218556)
49.	01/12/2004 (0000000025

- 49. 01/12/2004 (00000000257108)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

Date: 11/22/1999 (142008)

1.

Self Report? NO Citation: 30 TA Classification: Moderate

30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(18)
 Description: FAILURE TO SUBMIT SLUDGE MONITORING REPORT.

. •				· · · · · · · · · · · · · · · · · · ·
2.	Date: 12/31/200	)1 (218595)		:
2.	Self Report?			Classification: Moderate
	Citation:		r 305, SubChapter I	
	Citation.	TWC Chapter 2		(1)
				t for one or more permit parameter
3.	Date: 11/30/200	*		t for one of more permit parameter
5.	Self Report?			Classification: Moderate
			r 305, SubChapter I	
	Citation:			F 505.125(1)
		TWC Chapter 2		4 for a super super super it as a super it as a super star
4	D + 10/21/200		ure to meet the limit	t for one or more permit parameter
4.	Date: 10/31/200	· · ·		Classifiertiens Martenate
2 · · ·	Self Report?			Classification: Moderate
	Citation:		r 305, SubChapter I	F 305.125(1)
		TWC Chapter 2		
			ure to meet the limi	t for one or more permit parameter
5.	Date: 09/30/200	· · ·		
	Self Report?			Classification: Moderate
	Citation:		r 305, SubChapter I	F 305.125(1)
	,	TWC Chapter 2		
		Description: Fail	ure to meet the limit	t for one or more permit parameter
6.	Date: 07/31/200	00 (247491)		
	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapter	r 305, SubChapter I	F 305.125(1)
		Description: NO	N-RPT VIOS FOR	MONIT PER OR PIPE
N	Self Report?	NO		Classification: Moderate
	Citation:	30 TAC Chapte	r 305, SubChapter I	F 305.125(1)
		Description: NO	N-RPT VIOS FOR	MONIT PER OR PIPE
	Self Report?	NO		Classification: Moderate
	Citation:		r 305, SubChapter I	F 305.125(1)
		Description: NO	N-RPT VIOS FOR	MONIT PER OR PIPE
7.	Date: 08/31/200	01 (218580)		
	Self Report?			Classification: Moderate
	Citation:		r 305, SubChapter I	F 305.125(1)
		TWC Chapter 2		
				t for one or more permit parameter
8.	Date: 07/31/200	-		• •
	Self Report?	· /		Classification: Moderate
	Citation:		r 305, SubChapter I	
	O THUR OIL	TWC Chapter 2		
				t for one or more permit parameter
9.	Date: 07/31/200	-		· · · · · · · · · · · · · · · · · · ·
2.	Self Report?	· · ·		Classification: Moderate
	Citation:		r 305, SubChapter I	
	onution.	TWC Chapter 2		
				t for one or more permit parameter
10.	Date: 06/30/200			t for one of more permit purumeter
10.	Self Report?	· · ·	·	Classification: Moderate
	Citation:		r 305, SubChapter F	
	Chanon.	TWC Chapter 2		
				t for one or more permit parameter
11	Date: 06/20/200	-		i tor one or more permit parameter
11.	Date: 06/30/200	· · ·		Classification: Moderate
	Self Report?	I EO		

• . ·

	Citation:	30 TAC Chapter 305, SubChapte	r F 305.125(1)			
		TWC Chapter 26 26.121(a)[G] Description: Failure to meet the lir	nit for one or more permit para	meter		
12.	Date: 05/31/200	-			•	
	Self Report?		Classification: Moder	rate		
	Citation:	· 30 TAC Chapter 305, SubChapter	F 305.125(1)		•	
		TWC Chapter 26 26.121(a)[G]				
		Description: Failure to meet the lin	nit for one or more permit para	meter		
13.	Date: 04/30/200	-				
15.	Self Report?		Classification: Moder	rate		
	Citation:	30 TAC Chapter 305, SubChapter		luio		
	Citation.	TWC Chapter 26 26.121(a)[G]	1 505.125(1)		•	
		Description: Failure to meet the lin	ait for one or more permit para	meter		
14	Data: 02/21/200	-	int for one of more permit para			
14.	Date: 03/31/200		Classification: Moder	rata		
	Self Report?			laic		
	Citation:	30 TAC Chapter 305, SubChapter	F 303.123(1)		•	`
		TWC Chapter 26 26.121(a)[G]				
		Description: Failure to meet the lin	nt for one or more permit para	meter	•	
15.	Date: 03/31/200	· · · ·				
	Self Report?		Classification: Moder	rate		
	Citation:	30 TAC Chapter 305, SubChapter	F 305.125(1)			
		TWC Chapter 26 26.121(a)[G]				
~		Description: Failure to meet the lin	nit for one or more permit para	meter		
16.	Date: 02/28/200	2 (218560)				
	Self Report?	YES	Classification: Moder	rate		
	Citation:	30 TAC Chapter 305, SubChapter	F 305.125(1)			
		TWC Chapter 26 26.121(a)[G]				
		Description: Failure to meet the lin	nit for one or more permit para	meter		
17.	Date: 02/28/200	*				
	Self Report?	. ,	Classification: Moder	ate		
• *	Citation:	30 TAC Chapter 305, SubChapter				
		TWC Chapter 26 26.121(a)[G]		•		
		Description: Failure to meet the lin	nit for one or more permit para	meter		•
18.	Date: 01/31/200	-				
10.	Self Report?		Classification: Moder	ate	;	
	Citation:	30 TAC Chapter 305, SubChapter				
	Citation.	TWC Chapter 26 26.121(a)[G]	1 505.125(1)			
		Description: Failure to meet the lin	it for one or more normit neres	motor		
10	Data: 01/15/200	1	in for one of more permit para	meter		
19.	Date: 01/15/200			- 1 <b>A</b> -		
	Self Report?		Classification: Moder	ale		
	Citation:	30 TAC Chapter 305, SubChapter	·F 305.125(9)[G]			
	Rqmt Prov:	PERMIT IA		0 1 07 0000		
		Description: Failure to submit none	-	October 27, 2003, ui	lauthorized discha	irge of
		wastewater from the Sandhill Lane				
	Self Report?		Classification: Moder	ate		
	Citation:	30 TAC Chapter 305, SubChapter				
		30 TAC Chapter 305, SubChapter	F 305.125(5)	. ·		
	Rqmt Prov:	PERMIT IA				
	-	Description: Failure to clean and re-	mediate the area effected by th	e October 27, 2003,	unauthorized disc	harge of
		wastewater from the Sandhill Lane				
	Self Report?		Classification: Moder	ate		
	Citation:	30 TAC Chapter 305, SubChapter				
			. /			
			• •			

Rqmt Prov:	PERMIT IA
-	Description: Failure to comply with the Final Effluent Limitations and Monitoring Requirements specified in
	TPDES Permit No. 13168-001 for the self-reporting months of March, April, May, July, August and September
•	2003.
Self Report?	NO Classification: Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)
	30 TAC Chapter 317 317.3[G]
Rqmt Prov:	PERMITIA
	Description: Failure to ensure all lift stations are intruder-resistant with a controlled access.
Self Report?	NO Classification: Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov:	PERMIT IA
_	Description: Failure to properly maintain the wastewater collection system in a manner to prevent infiltration.

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



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IN THE MATTER OF AN ENFORCEMENT ACTION CONCERNING ALGONQUIN WATER RESOURCES OF AMERICA, INC. DBA WOODMARK UTILITIES AND DBA TALL TIMBERS STP RN101511400 AND 101519981 **BEFORE THE** 

#### **TEXAS COMMISSION ON**

#### ENVIRONMENTAL QUALITY

#### AGREED ORDER DOCKET NO. 2004-0677-MWD-E

#### I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Algonquin Water Resources of America, Inc. dba Woodmark Utilities and dba Tall Timbers STP ("Algonquin") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and Algonquin represented by Mark Zeppa, Law Offices of Mark H. Zeppa, PC, appear before the Commission and together stipulate that:

- 1. Algonquin owns and operates two domestic wastewater treatment plants located at the following locations: Highway 346 in Tyler, Smith County, Texas (referred to as Woodmark Facility); 16459 Neighbors Road in Tyler, Smith County, Texas (referred to as Tall Timbers Facility). Referred to collectively as "the Facilities."
- 2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26.
- 3. The Commission and Algonquin agree that the Commission has jurisdiction to enter this Agreed Order, and that Algonquin is subject to the Commission's jurisdiction.

- 4. Algonquin received notice of the violations for the Facilities on or about April 15, 2004.
- 5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Algonquin of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
- 6. An administrative penalty in the amount of six thousand three hundred forty-five dollars (\$6,345.00) for the violations at the Woodmark Facility and eleven thousand five hundred fifty dollars (\$11,550.00) for the violations at the Tall Timbers Facility, for a total penalty of seventeen thousand eight hundred ninety-five dollars (\$17,895.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Algonquin has paid seventeen thousand eight hundred ninety-five dollars (\$17,895.00) of the administrative penalty.
- 7. 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.
- 8. The Executive Director of the TCEQ and Algonquin have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
- 9. 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 Algonquin has not complied with one or more of the terms or conditions in this Agreed Order.
- 10. 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.
- 11. 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**

Algonquin is alleged to have violated the following requirements at the Woodmark Facility as documented during an investigation conducted by a TCEQ Tyler Regional Office investigator on March 2, 2004:

a. 30 TEX. ADMIN. CODE § 305.125(4) & (5) and TEX. WATER CODE § 26.121(a) by failing to clean and remediate the area affected by the October 27, 2003 unauthorized discharge of wastewater from the Sandhill Lane lift station. On March 2, 2004, the investigator documented sewage material on the ground around the lift station.

- b. 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(a) and TPDES Permit No. 13168-001, Operational Requirements, Provision No. 1 by failing to ensure that all lift stations are intruder-resistant with controlled access. The lift stations at Southern Trace, located on FM 2493; The Colony, located on Frederick Circle; Baker Plantation, located on Holcomb Circle; Vanderbilt, located on Vanderbilt Drive; Meadow View, located on Meadow View Lane; and Running Meadows, located on CR 172, were not secure. Specifically, there were no fences around the lift stations to prevent intruders from entering the lift station grounds.
- c. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13168-001, Operational Requirements, Provision No. 1 by failing to properly maintain the wastewater collection system in a manner to prevent infiltration. During the investigation, it was noted that the Cedar Valley lift station possessed a steel mesh grate for the lid to the wet well.

Algonquin is alleged to have violated the following requirements at the Tall Timbers Facility as documented during an investigation conducted by a TCEQ Tyler Regional Office investigator on March 2, 2004:

- a. 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 13000-001, Operational Requirements, Provision Nos. 1 and 5 by failing to properly maintain the wastewater collection system in a manner to prevent infiltration. During the investigation it was noted that the Irish Meadows lift station possessed a steel mesh grate for the lid to the wet well. Additionally, Algonquin failed to properly install and maintain the primary flow measuring device.
- b. 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(a), and TPDES Permit No. 13000-001, Operational Requirements, Provision No. 1 by failing to ensure that all lift stations are intruder-resistant with controlled access. The lift stations at Gresham and Irish Meadows were not secure. Specifically, there were no fences around the lift stations to prevent intruders from entering the lift station grounds.
- c. 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(b)(1) and TPDES Permit No. 13000-001, Operational Requirements, Provision No. 1 by failing to properly maintain the wastewater treatment facility's bar screen. The bar screen had been modified in a manner which, during the high flow conditions, allows large solids to pass through a large v-shaped hole cut into the bar screen.
- d. 30 TEX. ADMIN. CODE § 305.125(1) and (5), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 13000-001, Permit Conditions, 2.g. by failing to prevent sludge from discharging from the wastewater treatment facility. Specifically, the investigator documented several areas where sludge had accumulated in the receiving stream. Sludge had been deposited intermittently in the receiving stream for a distance of approximately 150 feet from the point of effluent discharge.

e. 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 13000-001, Final Effluent Limitations and Monitoring Requirements No. 1 by failing to comply with the permit limits at the Tall Timbers site.

#### **III. DENIALS**

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

#### IV. ORDER

1. It is, therefore, ordered by the TCEQ that Algonquin pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Algonquin'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 considering requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re:Algonquin Water Resources of America, Inc. dba Woodmark Utilities and dba Tall Timbers STP, Docket No. 2004-0677-MWD-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. Algonquin shall undertake the following technical requirements:
  - a. At the Woodmark Facility:
    - i. Within 30 days of the effective date of this Agreed Order, remove and properly dispose of the sewage solids from the affected area of the October 27, 2003 unauthorized discharge at the Sandhill Lane lift station.
    - ii. Within 30 days of the effective date of this Agreed Order, ensure that all facilities are intruder-resistant with controlled access. Specifically, ensure that the lift stations at Southern Trace, The Colony, Baker Plantation, Vanderbilt,

> Meadow View, and Running Meadows are secure, in accordance with 30 TEX. ADMIN CODE § 317.3(a).

- Within 30 days of the effective date of this Agreed Order, upgrade the Cedar Valley lift station to eliminate infiltration and provide proper ventilation, in accordance with 30 TEX. ADMIN CODE § 305.125(1) and TPDES Permit No. 13168-001, Operational Requirements, Provision 1.
- b. At the Tall Timbers Facility:
  - i. Within 30 days of the Commission Order, upgrade the Irish Meadows (large) lift station to eliminate infiltration and provide proper ventilation, in accordance with 30 TEX. ADMIN CODE § 305.125(1) and TPDES Permit No. 13000-001, Operational Requirements, Provision 1.
  - ii. Within 30 days of the effective date of the Commission Order, properly install and maintain the primary flow measuring device, in accordance with 30 TEX. ADMIN CODE § 305.125(1) and TPDES Permit No. 13000-001, Operational Requirements Provision 5.
  - iii. Within 30 days of the effective date of the Commission Order, ensure that all facilities are intruder-resistant with controlled access. Specifically, ensure that the lift stations at Gresham (small and large) and Irish Meadows (small) are secure, in accordance with 30 TEX. ADMIN CODE § 317.3(a).
  - iv. Within 30 days of the effective date of the Commission Order, repair or replace the facility's bar screen, in accordance with 30 TEX. ADMIN CODE § 317.4(b)(1).
  - v. Within 30 days of the effective date of the Commission Order, remove and properly dispose of the sludge accumulations in the receiving stream, in accordance with 30 TEX. ADMIN CODE § 305.125(1), (4) and (5).
- c. Within 45 days after the effective date of this Agreed Order submit written certification of compliance with Ordering Provisions 2.a. and 2.b. 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:

Mr. Noel Luper, Manager Water Section Tyler Regional Office Texas Commission on Environmental Quality 2916 Teague Drive Tyler, Texas 75701

- 3. The provisions of this Agreed Order shall apply to and be binding upon Algonquin. Algonquin 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.
- 4. If Algonquin fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Algonquin's failure to comply is not a violation of this Agreed Order. Algonquin shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Algonquin shall notify the Executive Director within seven days after Algonquin becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
- 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 Algonquin shall be made in writing to the Executive Director. Extensions are not effective until Algonquin 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 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.
- 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to Algonquin, or three days after the date on which the Commission mails notice of the Order to Algonquin, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

#### SIGNATURE PAGE

#### TEXAS COMMISSION ON ENVIRONMENTAL OUALITY

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.

burd Dresel

Robert Dodd.

Name (Printed or typed) Authorized representative of Algonquin Water Resources of America, Inc. dba Woodmark Utilities and dba Tall Timbers STP

For the ExeQative Director

<u>Ave. M/06</u> Date <u>President</u>

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