### 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

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#### **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)].   | · · · · ·              |                                   |
| L   |                        |                                   |

Attachment: Site Compliance History

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

#### 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<br>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<br>Case Priority 3   |   | No. Violations 3<br>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  |   |
| ,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,,  | Penalty Calculation Sect  | ion   |
| 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<br>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)   | +<br>• • • • • • • • • • • • • • • • • • •  |
| 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  |
| and and here and the second state of the second  | et o constantina anti-mente suo dalla constante de anterne de la destructura de la constante de la constante d<br>La constante de la constante de |   |
| 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  |
| ייינער איז  |   |   |
| 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<br>violations.   | 04 for the same =   |
|   | violations.   |   |
| PAYABLE PENALTY   |   | \$6,345   |
| ATADLE FENALIT  | 这些这些东方,在这些影响和特别。但是是是是这些事实的情况和各国的意义是不是不能是有意义的情况  | φ0,343  |

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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<br>PC                                | -MWD-E<br>icy Revision 2 (09,<br>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<br>without a denial of liability, or default orders of this state or the federal<br>government, or any final prohibitory emergency orders issued by the<br>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<br>Decrees         | Any adjudicated final court judgments and default judgments, or<br>non-adjudicated final court judgments or consent decrees without a denial of<br>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<br>the Texas Environmental, Health, and Safety Audit Privilege Act, 74th<br>Legislature, 1995 (number of audits for which notices were submitted)                 | 0  | 0%   |
|             |                                | Disclosures of violations under the Texas Environmental, Health, and Safety<br>Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which</i><br><i>violations were disclosed</i> )  | 0  | 0%   |
|             | [                              | Please ente<br>Environmental management systems in place for one year or more   | r Yes or No<br>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<br>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<br>History<br>Notes | Enhancement due to Notices of Violation for non-similar violations issued Nov<br>July 31, 2000, and a Notice of Violation for the same violations issued on Ja<br>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<br>4, the investigate   | te the area affected by<br>stewater from the Sandl<br>or documented sewage<br>ound the lift station.            | hill Lane lift st   | ation. On              |                       |
|  |  |  |   | Ba  | se Penalty             | \$10,00               |
| » Environmental,   | Property and H   | Human Health   | Matrix  |   | v 1                    |                       |
|  | nd Shidaan I International Adda Adda ann an ann 2007.  | Harm   | a fan de la sana an anna an Ann |   |                        |                       |
| Release  | Major  | Moderate   | Minor   |   |                        |                       |
| OR Actual  |  |  | ×   |   |                        |                       |
| Potential  |  |  |   | Percent   | 10%                    |                       |
|  | <u> </u>   |  |   |   | 10/0]                  |                       |
| » Programmatic N   | 1atrix   |  |   |   |                        | _                     |
|  |  | Madarata   | Minor   |   |                        |                       |
| Falsification  | Major  | Moderate   | Minor   | Percent   | ]                      | •                     |
|  |  |  |   |   |                        | •                     |
| Matrix pollutants whi  | ch do not exceed   | levels that are p  | ed to insignificant amo<br>otective of human heal   | unts of   |                        |                       |
|  | ch do not exceed   |  | otective of human heal<br>rs.   | unts of<br>th or  |                        | •                     |
| Matrix pollutants whi  | ch do not exceed   | levels that are p  | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  | -\$9,000 · ·           |                       |
| Natrix<br>Notes  | ch do not exceed<br>enviro   | levels that are p  | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or  |                        | \$1,00                |
| Violation Events   | ch do not exceed<br>enviro   | levels that are p<br>nmental recepto   | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  |                        | \$1,00                |
| Violation Events   | ch do not exceed<br>enviro   | levels that are p  | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  |                        | \$1,00                |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events   | levels that are p<br>nmental recepto   | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  |                        | \$1,00                |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events [<br>daily ]  | levels that are p<br>nmental recepto   | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  |                        | •<br>•<br>•<br>•<br>• |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events<br>daily<br>monthly   | levels that are p<br>nmental recepto   | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment  |                        | \$1,00                |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events [<br>daily ]  | levels that are p<br>nmental recepto   | rotective of human heal   | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events<br>daily<br>monthly   | levels that are p<br>nmental recepto   | rotective of human heal   | unts of<br>th or<br>justment  | y Subtotal             | •<br>•<br>•<br>•      |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events<br>daily<br>monthly<br>quarterly  | levels that are p<br>nmental recepto   | rotective of human heal   | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             |                       |
| Violation Events   | ch do not exceed<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual  | levels that are p<br>nmental recepto   | rotective of human heal   | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x  | ch do not exceed<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>annual<br>single event  | levels that are provide the second se | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x  | ch do not exceed<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>annual<br>single event  | levels that are provide the second se | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             |                       |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x  | ch do not exceed<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>annual<br>single event  | levels that are provide the second se | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             |                       |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x  | ch do not exceed<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>annual<br>single event  | levels that are provide the second se | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x  | ch do not exceed<br>enviro<br>olation Events<br>daily<br>monthly<br>quarterly<br>semiannual<br>annual<br>single event<br>t is recommended<br>to the May 1                                    | levels that are p<br>nmental recepto<br>1<br>x<br>based on the M<br>13, 2004 screeni   | rotective of human heal<br>rs.<br>Ad  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| Notes pollutants white<br>Notes Violation Events<br>Number of Vio<br>mark only one; use small x<br>Events One quarterly event<br>Notes   | ch do not exceed<br>enviro<br>olation Events<br>daily<br>monthly<br>quarterly<br>semiannual<br>annual<br>single event<br>t is recommended<br>to the May 1                                    | levels that are p<br>nmental recepto<br>1<br>x<br>based on the M<br>13, 2004 screeni   | rotective of human heal<br>rs.<br>Ad<br>  | unts of<br>th or<br>justment<br>Base Penalt   | y Subtotal             | •<br>•<br>•<br>•      |
| 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<br>enviro<br>olation Events<br>daily<br>monthly<br>quarterly<br>semiannual<br>annual<br>single event<br>t is recommended<br>to the May 1                                    | levels that are p<br>nmental recepto<br>1<br>x<br>based on the M<br>13, 2004 screeni   | rotective of human heal<br>rs.<br>Ad<br>  | unts of<br>th or<br>justment<br>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<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>single event<br>t is recommended<br>to the May 1<br>fit (EB) for this                           | levels that are provide the second se | rotective of human heal<br>rs.<br>Ad<br>  | unts of<br>th or<br>justment<br>Base Penalt<br>Base Penalt<br>Contemporation<br>Diation Base<br>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<br>enviro<br>olation Events<br>daily<br>daily<br>quarterly<br>semiannual<br>annual<br>single event<br>tis recommended<br>to the May 1<br>fit (EB) for this<br>B Amount (\$) | levels that are pinmental recepto  | rotective of human heal<br>rs.<br>Ad<br>  | unts of<br>th or<br>justment<br>Base Penalt<br>Base Penalt<br>Contemporal<br>District Base<br>Pestigation<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Contemporal<br>Conte | y Subtotal             | \$1,00                |

| Pag  | e 4 of 8 09/15/06       |   | E\L Fasoyiro\Algo<br>Benefit Wor                                  |                                       |   | PCW.qpw             |  |
|--|-------------------------|---|---|---------------------------------------|---|---------------------|--|
| 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)<br>Media [Statute]              | Enforcement Case        |   |   | K Oundes                              |   | Percent<br>Interest | Years of<br>Depreciation               |
| Violation Number                             | 1                       | nie werden in state in der state in der state er ander state in der state er ander state er ander state er ande |   |                                       |   | . 5.0               |  |
|  | ltem                    | Date  | Final   | Yrs                                   | Interest  | Onetime             | EB                                     |
| Item<br>Description                          | Cost<br>No commas or \$ | Required  | Date  |                                       | Saved   | Costs               | Amount                                 |
| Dalawał Gazas                                |                         |   |   | -<br>PRI STAR                         |   |                     |  |
| Delayed Costs<br>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)<br>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                      |                         |   |   |                                       |   |                     |  |
|  |                         |   |   |                                       |   |                     |  |

|               | odmark_PCW.qpw   | soyiro\Algonquin\FINAL Woodma  | H:\ENFORCE\L Fa   | 09/15/06  | Page 5 of 8           |                 |
|---------------|--|--|---|---|-----------------------|-----------------|
| 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<br>/anderbilt, located<br>ane, and Running   | s are intruder-resistant with control<br>located on FM 2493, The Colony<br>ocated on Holcomb Circle, Vand<br>located on Meadow View Lane,<br>on CR 172, were not secure. | s at Southern Trace<br>e, Baker Plantation,<br>Drive, Meadow View | The lift stations<br>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<br>I                | 2015 North      |
| •             |  |  |   | /atrix  | Programmatic N        | »               |
|               |  | Vinor  | Moderate  | Major   | Falsification         |                 |
|               | nt   | Percent  |   |   |                       | OR              |
| •             |  |  | onmental receptors  | envirc  |                       | Notes           |
| • • •         |  | Adjustment   |   |   |                       |                 |
| \$50          | enalty Subtotal  | Base Pena  |   |   |                       |                 |
| •             | <u>51</u>  |  |   | ſ   | Violation Events      |                 |
|               |  |  | 6   | olation Events  | Number of Vi          |                 |
| •             |  |  | ······································                            | n navna se  | ,                     |                 |
| . •           |  |  |   | daily   | only one; use small x | inark           |
|               | ·<br>·   |  |   | monthly   |                       |                 |
| •             |  |  |   | quarterly   |                       |                 |
| \$3,000       | Base Penalty   | Violation Ba   |   | semiannual  |                       | •               |
|               |  |  |   | annual  |                       |                 |
|               |  |  | ×   | single event  |                       |                 |
|               |  | to the state of the state of the state of the  |   | 1   |                       | 1               |
| •             |  | lift stations noted during the<br>n.   | led based on the six<br>2, 2004 investigatio                      |   | Six single events     | Events<br>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<br>\$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<br>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<br>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<br>References de la composición de la comp  |  | 0.0                                     | \$0  | \$0                 | 9                            |
| Other (as needed)  |   |  |  | 0.0                                     | \$0  | . \$0               | \$                           |
| Notes for AVOIDED costs  |   | ·.   |  |   |  |                     |                              |
|  |   |  | 1  |   |  |                     |                              |

|   | ark_PCW.qpw                            | viro\Algonquin\FINAL Woodma  | H:\ENFORCE\L Fas  | 8 09/15/06                                      | Page 7 of 8                        |                          |
|---|--|--|---|---|------------------------------------|--------------------------|
| 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<br>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<br>ation it was noted that the Ced<br>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,                     | >>><br>2                 |
| •   |  |  | Harm  |   |                                    |                          |
| •   |  | lor  | Moderate M  | e Major   | Release                            | sengeren d.<br>Ser Sen i |
| •   |  | ·  |   | 1   | Actual                             | OR                       |
| •   | 5%                                     | Percent  |   | 1) <u>                                     </u> | Potential                          |                          |
| •   |  |  |   |   |                                    |                          |
| •   |  |  |   | Matrix  | Programmatic N                     | »                        |
| •   |  | ior  | Moderate M  | Major   | Falsification                      |                          |
| •   |  | Percent  |   |   |                                    | OR                       |
| •   | · •• ====                              | 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<br>Alban an Alban an Alb<br>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<br>RESPONDENT INFORMATI  |   | EPA Due  |
|  | Algonquin Water Resources of America dba Tall Timbers STP   |  |
|  | TPDES No. 13000-001; Regulated Entity Reference No. RN101519981   | ,<br>,   |
| 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)<br>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]]<br>[ - 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<br>\$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   |   | -<br>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)<br>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<br>Decrees | Any adjudicated final court judgments and default judgments, or<br>non-adjudicated final court judgments or consent decrees without a denial of<br>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<br>the Texas Environmental, Health, and Safety Audit Privilege Act, 74th<br>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<br>Environmental management systems in place for one year or more   | er Yes or No<br>N | 00/                        |
|                        | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program  | N                 | <u>0%</u><br>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<br>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.<br>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<br>(large) lift st | ion. During the ir<br>ation possessed<br>Respondent faile | nvestigation<br>a steel mes  | it was noted that the Irish<br>h grate for the lid to the w<br>y install and maintain the | Meadows<br>et well.                   |                |
|  |   |                                      |   |  | Ba  | se Penalty                            | \$10,000       |
| *  | Environmental,                                | Property and I                       | -<br>Human Health   | n Matrix   |   | se i enang                            | • • • •        |
| (1, 1)   |   | intopolity-dilida                    | Harm  |  |   |                                       |                |
|  | Release                                       | Major                                | Moderate  | Minor  |   |                                       |                |
|  | Actual  |                                      |   |  | -   |                                       |                |
| OR   | 942<br>1                                      |                                      |   | x  | Percent   | 5%                                    | •              |
|  | Potential                                     |                                      |   |  | rercent   | 5%                                    | • .            |
| 400 - 400 - 500<br>1995 - 400 - 500<br>1996 - 60 |   |                                      |   |  |   |                                       | •              |
| ».   | Programmatic N                                |                                      |   |  |   |                                       | •              |
| 6 41 40 4  | Falsification                                 | Major                                | Moderate  | Minor  |   |                                       | •              |
| OR   |   |                                      |   |  | Percent   |                                       | •              |
| Matrix<br>Notes                                  |   | i would not excee                    |   | protective of  | ficant amounts of<br>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          |

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| 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<br>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<br>Equipment   | \$550                   | 12-Nov-2003          | 12-Feb-2005         |   | <u></u>  | ¢40  | ት ብ  |
| Buildings  | 4000                    | 12-1100-2003         | 12-1 60-2003        | 1.3<br>0.0  | \$2<br>\$0   | . \$46<br>\$0  | <u>\$4</u><br>\$   |
| Other (As needed)  |                         |                      |                     | 0.0   | <u>\$0</u><br>\$0  | \$0<br>\$0   | 3  |
| Engineering/construction   |                         |                      |                     | 0.0   | \$0<br>\$0   | \$0<br>\$0   | <u> </u>   |
| Land   |                         |                      |                     | 0.0   | <u>\$0</u><br>\$0  | n/a  | 4  |
| Record Keeping System  |                         |                      |                     | 0.0   | \$0<br>\$0   | n/a  |  |
| Training/Sampling  |                         |                      |                     | 0.0   | \$0<br>\$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<br>device.   |  | , and to install a flo   | ow measuring   |
|  |                         |                      |                     | e wet we<br>device.   | ell at the lift station  | , and to install a flo   | ow measuring<br>bided costs)   |
| Avoided Costs  |                         |                      |                     | e wet we<br>device.<br>ore ente                               | ell at the lift station  | , and to install a flo   | ow measuring<br>bided costs)   |
| Avoided Costs<br>Disposal  |                         |                      |                     | e wet we<br>device.<br>ore ente                               | ell at the lift station<br>ring item (except<br>\$0  | , and to install a flo<br>for one-time avo<br>\$0  | ow measuring<br>bided costs)<br>\$   |
| Avoided Costs<br>Disposal<br>Personnel   |                         |                      |                     | ore ente  | ell at the lift station<br>pring item (except<br>\$0<br>\$0  | , and to install a flo<br>for one-time avo<br>\$0<br>\$0   | ow measuring<br>bided costs)<br>\$<br>\$<br>\$   |
| Avoided Costs<br>Disposal<br>Personnel<br>inspection/Reporting/Sampling  |                         |                      |                     | ore ente<br>0.0<br>0.0<br>0.0                                 | ell at the lift station<br>ring item (except<br>\$0<br>\$0<br>\$0                                    | for one-time avc<br>\$0<br>\$0<br>\$0  | ow measuring<br>bided costs)<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$   |
| Avoided Costs<br>Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equip  |                         |                      |                     | e wet we<br>device.<br>ore ente<br>0.0<br>0.0<br>0.0<br>0.0   | ell at the lift station<br>ring item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0                      | for one-time avc<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0   | ow measuring<br>bided costs)<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$   |
| Avoided Costs.<br>Disposal<br>Personnel<br>inspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3]<br>Other (as needed) |                         |                      |                     | e wet we<br>device.<br>ore ente<br>0.0<br>0.0<br>0.0<br>0.0   | ell at the lift station<br>ring item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0               | for one-time avo<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0                    | ow measuring<br>bided costs)<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$ |
| Avoided Costs<br>Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3]                       |                         |                      |                     | e wet we<br>device.<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0 | ell at the lift station<br>ring item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | , and to install a flo<br>for one-time avc<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | ow measuring<br>bided costs)<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$ |
| Avoided Costs.<br>Disposal<br>Personnel<br>inspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3]<br>Other (as needed) |                         |                      |                     | e wet we<br>device.<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0 | ell at the lift station<br>ring item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | , and to install a flo<br>for one-time avc<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$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<br>); and Irish Meadows (sma<br>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<br>monthly                                | У                                    |               |   |              | • *             |
|                                     |                                    | quarterly<br>semiannua<br>annua<br>single event |                                      |               | Violation Bas   | e Penalty    | \$1,50          |
| Events<br>Notes                     | Three single ever                  |   | ended based on<br>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<br>17<br>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<br>Description                       | Cost<br>No commas or \$             | Required  | Date  | 한 사람은 것을 물었다.<br>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-<br>-  | e në esteristi.               | e norme o historialis.<br>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<br>.\$0                           | \$0<br>\$0                      | \$0<br>\$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<br>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<br>iolation Number       |   | 1                               |                          |   |               |                      |
|                       |   |   | 30 TAC &                        | 8 305 125/5              | ) & 317.4(b)(1)   |               |                      |
|                       | rimary Rule Cite<br>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<br>h, during high flow condi<br>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<br>Harm            | n Matrix                 |   |               |                      |
|                       | Release                                   | Major   | Moderate                        | Minor                    |   |               | •                    |
| OR                    | Actual                                    |   |                                 |                          | F   | ······        | •                    |
|                       | Potential                                 |   |                                 | x                        | Percent   | 5%            | •                    |
| »                     | Programmatic N                            | 1atrix  |                                 |                          |   |               |                      |
|                       | Falsification                             | Major   | Moderate                        | Minor                    |   |               |                      |
| OR                    |   |   |                                 |                          | Percent   |               | · •                  |
| Matrix<br>Notes       |   | would not excee   |                                 | protective of            | ificant amounts of<br>of human health or  |               | •                    |
|                       |   |   |                                 |                          | Adjustment  | -\$9,500      |                      |
|                       |   |   |                                 | CART TO STREET OF CARE   | Base Penal  | ty Subtotal   | \$500                |
|                       | Violation Events<br>Number of Vie         | T   | 1                               |                          | ••••••••••••••••••••••••••••••••••••••  |               | •<br>• • • •         |
| mark                  | only one; use small x                     | daily<br>monthly<br>quarterly   |                                 |                          |   |               |                      |
|                       |   | semiannual<br>annual<br>single event  | ×                               |                          | Violation Bas   | se Penalty    | \$500                |
| Events<br>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<br>Interest   | Years of<br>Depreciation                        |
|---|-------------------------|--------------------|--------------------|--|---|---|---|
| Violation Number  | 2                       |                    |                    |  |   | 5.0   | 1:::::::::::::::::::::::::::::::::::::          |
|   | Item                    | Date               | Final              | Yrs  | ب<br>Interest   | Onetime   | EB  |
| ltem<br>Description   | Cost<br>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<br>Disposal   | ,<br>Α                  |                    |                    |  |   |   |   |
| Avoided Costs<br>Disposal<br>Personnel  | ,<br>                   |                    |                    | ore enter                                    | ing item (except  | for one-time avc  | ided costs)                                     |
| Avoided Costs<br>Disposal<br>Personnel<br>(nspection/Reporting/Sampling   |                         |                    |                    | ore enter                                    | ing item (except  | for one-time avo  | ided costs)<br>\$                               |
| Avoided Costs<br>Disposal<br>Personnel<br>inspection/Reporting/Sampling<br>Supplies/equip   |                         |                    |                    | ore enter<br>0.0<br>0.0                      | ing item (except<br>\$0<br>\$0                                    | for one-time avc<br>\$0<br>\$0                                    | ided costs)<br>\$<br>\$                         |
| Avoided Costs<br>Disposal<br>Personnel<br>Inspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]                              |                         |                    |                    | ore enter<br>0.0<br>0.0<br>0.0               | ing item (except<br>\$0<br>\$0<br>\$0                             | for one-time avo<br>\$0<br>\$0<br>\$0                             | ided costs)<br>\$<br>\$<br>\$<br>\$             |
| Avoided Costs<br>Disposal<br>Personnel<br>nspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3] |                         |                    |                    | ore enter<br>0.0<br>0.0<br>0.0<br>0.0        | ing item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | for one-time avo<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0 | ided costs)<br>\$<br>\$<br>\$<br>\$<br>\$<br>\$ |
| Avoided Costs<br>Disposal<br>Personnel<br>(nspection/Reporting/Sampling<br>Supplies/equip<br>Financial Assurance [2]                              |                         |                    |                    | ore enter<br>0.0<br>0.0<br>0.0<br>0.0<br>0.0 | ing item (except<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0        | for one-time avo<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0<br>\$0        | ided costs)<br>\$<br>\$<br>\$                   |

| 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<br>Conditions, 2.g., and  | ), TPDES Permit N<br>Tex. Water Code § | lo. 13000-001, P<br>≩ 26.121(a)     | ermit                |              |
| Secondary Cit             | te(s)   | · · · · · · · · · · · · · · · · · · ·   |  |                                     |                      |              |
| Violation Descrip         | tion Failure to prever<br>Specifically,<br>accumulated in | nt sludge from discha<br>the investigator docu<br>the receiving stream,<br>tream for a distance<br>efflue | mented several ar<br>Sludge had been   | eas where sludg<br>deposited interm | e had<br>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<br>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   |  |                                     |                      | •<br>•       |
|                           | quarterly<br>semiannual<br>annual<br>single event         |   | Vi                                     | olation Base                        | Penalty              | \$2,50       |
|                           | event is recommended<br>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       |
|                           |   |   |  |                                     |                      |              |

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|   |                         | 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)  <br>Media [Statute]                 |                         | E NO. 15573   |                    |                    |               | Interest | Depreciation               |
| Violation Number                                  | 4                       |   |                    |                    | 2<br>2        | 5.0      | 1500 (1890)<br>1500 (1890) |
|   | 4<br>Item               | Date  | Final              | Yrs                | L<br>Interest | Onetime  | EB                         |
| Item<br>Description                               | Cost<br>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<br>Violation Number   | Erika Fair<br>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<br>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")<br>exceed levels that are<br>lischarged at the time of  |  | •                      |
| Matrix to determine whe<br>protective of human   | ther the discharged ar<br>health and the environ<br>nsignificant and did no   | mounts of pollutants ender the number of pollutants of pol | exceed levels that are  |  | •<br>• •               |
| Matrix to determine whe<br>protective of human   | ther the discharged ar<br>health and the environ<br>nsignificant and did no   | mounts of pollutants e<br>nment. The NH3-N c<br>at exceed levels that a  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  | -\$9,000   | •                      |
| Matrix protective of human   | ther the discharged ar<br>health and the environ<br>nsignificant and did no   | mounts of pollutants e<br>nment. The NH3-N c<br>at exceed levels that a  | exceed levels that are<br>discharged at the time of<br>are protective of human  |  |                        |
| Matrix protective of human   | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and th  | mounts of pollutants e<br>nment. The NH3-N c<br>at exceed levels that a  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  |  |                        |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in   | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and th  | mounts of pollutants e<br>nment. The NH3-N c<br>at exceed levels that a  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  |  |                        |
| Matrix<br>Notes<br>Violation Events  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and th  | nounts of pollutants e<br>nment. The NH3-N o<br>t exceed levels that a<br>ne environment.  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  |  |                        |
| Matrix<br>Notes<br>Violation Events  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and th<br>plation Events  | nounts of pollutants e<br>nment. The NH3-N o<br>t exceed levels that a<br>ne environment.  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  |  |                        |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in<br>Violation Events<br>Number of Vio  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>plation Events<br>daily  | nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  |  |                        |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in<br>Violation Events<br>Number of Vio  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>plation Events<br>daily<br>monthly<br>quarterly  | nounts of pollutants e<br>nment. The NH3-N o<br>t exceed levels that a<br>ne environment.  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000<br>            |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in<br>Violation Events<br>Number of Vio  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>plation Events<br>daily  | nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment  | 7 Subtotal   | \$1,000<br>            |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in<br>Violation Events<br>Number of Vio  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>blation Events<br>daily<br>quarterly<br>semiannual<br>annual   | nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000<br>            |
| Matrix<br>Notes to determine whe<br>protective of human<br>the violations was in<br>Violation Events<br>Number of Vio  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and | nounts of pollutants of neuron.         neent.         texceed levels that a ne environment.   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000<br>            |
| Matrix<br>Notes       to determine whe<br>protective of human<br>the violations was in         Violation Events         Violation Events         Number of Vio         mark only one; use small x  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>annual   | nounts of pollutants of non-         nment. The NH3-N of texceed levels that a ne environment.         2         2         x   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000<br>            |
| Matrix<br>Notes       to determine whe<br>protective of human<br>the violations was in         Violation Events         Violation Events         Number of Vio         mark only one; use small x  | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>annual<br>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<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000                |
| Matrix<br>Notes       to determine whe<br>protective of human<br>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<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>annual<br>single event   | nounts of pollutants of<br>nment. The NH3-N of<br>texceed levels that a<br>ne environment.   | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   | \$1,000                |
| Matrix<br>Notes       to determine whe<br>protective of human<br>the violations was in         Violation Events<br>Number of Vio<br>mark only one; use small x         Events<br>Notes       Two quarterly event                                   | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>annual<br>single event   | 2         2         x         ased on the violation id August 2003.  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty  | 7 Subtotal   |                        |
| Matrix<br>Notes       to determine whe<br>protective of human<br>the violations was in         Violation Events<br>Number of Violation<br>mark only one; use small x         Events<br>Notes       Two quarterly event         Economic Beneficier | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>annual<br>single event<br>s are recommended b<br>July 2003 an  | 2         2         x         ased on the violation id August 2003.  | exceed levels that are<br>discharged at the time of<br>are protective of human<br>Adjustment<br>Base Penalty<br>Violation Base<br>months of March 2003, | Y Subtotal         Y Subtotal | \$1,000<br>            |
| Matrix<br>Notes       to determine whe<br>protective of human<br>the violations was in         Violation Events<br>Number of Violation<br>mark only one; use small x         Events<br>Notes       Two quarterly event         Economic Beneficier | ther the discharged ar<br>health and the environ<br>nsignificant and did no<br>health and the<br>plation Events<br>daily<br>quarterly<br>semiannual<br>single event<br>s are recommended b<br>July 2003 an<br>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<br><br>\$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<br>Interest   | Years of<br>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<br>Description   | Item<br>Cost<br>No commas or \$ | Date<br>Required     | Final<br>Date               | Yrs                      | Interest<br>Saved  | Onetime<br>Costs  | EB<br>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<br>Supplies/equip                         |                                 | 1-10/21-2003         |                             | 0.5                      | \$19<br>\$0  | \$0   | \$395<br>\$0                                |
|   | φ <b>100</b>                    |                      |                             |                          | \$0  | \$0   | \$0   |
| Supplies/equip  |                                 |                      |                             | 0.0                      | \$0<br>\$0   | \$0<br>\$0  | \$0<br>\$0                                  |
| Supplies/equip<br>Financial Assurance [2]                               |                                 |                      |                             | 0.0<br>0.0<br>0.0        | \$0<br>\$0<br>\$0  | \$0<br>\$0<br>\$0   | ·····                                       |
| Supplies/equip<br>Financial Assurance [2]<br>ONE-TIME avoided costs [3] |                                 | for additional overs |                             | 0.0<br>0.0<br>0.0<br>0.0 | \$0<br>\$0<br>\$0<br>\$0   | \$0<br>\$0<br>\$0<br>\$0  | \$0<br>\$0<br>\$0<br>\$0                    |

.

# **Compliance History**

|   | *   | •  |                         |  |
|---|---|--|-------------------------|--|
| Customer/Respondent/Owner-Operator:   | <u>CN601552292</u> <u>Algonquin Water I</u><br><u>America, Inc.</u>                       | Resources Of                             | Classification: AVERA   | <u>GE</u> <u>Rating: 1.010</u>               |
| Regulated Entity:<br>ID Number(s):  | RN101519981 TALL TIMBERS  |  | lassification: AVERAGE  |  |
|   | WASTEWATER LICENSING<br>WASTEWATER<br>WASTEWATER  | LICENSE<br>PERMIT<br>PERMIT              |                         | WQ0013000001<br>TPDES0101010<br>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:<br>Agency Decision Requiring Compliance H<br>Compliance Period:   | May 17, 2004           istory:         Enforcement           May 17, 1999 to May 17, 2004 |  |                         |  |
| TCEQ Staff Member to Contact for Additi<br>Name: Erika Fair   | onal Information Regarding this Con<br>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?<br>nce period?<br>N/A<br>N/A | No<br>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)<br>Self Report? YES<br>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<br>America, Inc.     | arces Of     | Classification: AVERA  | GE Rating: 1.010  |
| Regulated Entity:<br>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<br>Compliance Period:  | May 17, 1999 t      | rcement<br>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<br>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<br>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]<br>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.

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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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