

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1828-PWS-E    **TCEQ ID:** RN101416634    **CASE NO.:** 31469  
**RESPONDENT NAME:** Aransas County Municipal Utility District No. 1

**ORDER TYPE:**

<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

**CASE TYPE:**

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input type="checkbox"/> WATER QUALITY		

**SITE WHERE VIOLATION(S) OCCURRED:** Aransas County Municipal Utility District No. 1, 1338 8th Street near Lamar, Aransas County

**TYPE OF OPERATION:** Public water system

**SMALL BUSINESS:**     Yes     No

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

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

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

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Amy Martin, Enforcement Division, Enforcement Section 1, MC 169, (512) 239-2540; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** Mr. S. E. Kelly, President, Aransas County Municipal Utility District No. 1, 1338 8th Street, Rockport, Texas 78382

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b> <input type="checkbox"/> Complaint <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> August 29, 2006</p> <p><b>Dates of NOV/NOE Relating to this Case:</b> September 16 and September 30, 2005, January 12, April 19 and July 20, 2006 (NOVs); August 31, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a routine record-review. One violation was documented.</p> <p><b>WATER</b></p> <p>Exceeded the maximum contaminant level ("MCL") of 0.080 milligrams per liter for total trihalomethanes ("TTHM") during the second, third, and fourth quarters of 2005, and the first and second quarters of 2006 [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$750</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$750</p> <p><b>Site Compliance History Classification:</b> <input type="checkbox"/> High <input type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Order Justification:</b> The Respondent has received five NOVs for the same violation over the prior five year period.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM; and</p> <p>b. Within 380 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b> 25-Sep-2006	<b>Screening</b> 13-Oct-2006	<b>EPA Due</b> 01-May-2006
	<b>PCW</b> 13-Oct-2006		

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	Aransas County Municipal Utility District No. 1		
<b>Reg. Ent. Ref. No.</b>	RN101416634		
<b>Facility/Site Region</b>	14-Corpus Christi	<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	31469	<b>No. of Violations</b>	1
<b>Docket No.</b>	2006-1828-PWS-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Public Water Supply	<b>Enf. Coordinator</b>	Amy Martin
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 2
<b>Admin. Penalty \$ Limit Minimum</b>	\$50	<b>Maximum</b>	\$1,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$500
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	25% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$125
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**Notes:** Enhancement due to five prior Notices of Violation ("NOV's") for violations that are same or similar.

<b>Culpability</b>	Yes	25% Enhancement	<b>Subtotal 4</b>	\$125
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**Notes:** The Respondent was issued two alert letters for total trihalomethane ("TTHM") exceedences dated December 23, 2004 and June 15, 2005.

<b>Good Faith Effort to Comply</b>	0% Reduction	<b>Subtotal 5</b>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with a small x)

**Notes:** The Respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$328	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$2,500	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$750
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes:**

<b>Final Penalty Amount</b>	\$750
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$750
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<b>DEFERRAL</b>	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes:** No deferral recommended due to culpability status.

<b>PAYABLE PENALTY</b>	\$750
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<b>Screening Date</b>	13-Oct-2006	<b>Docket No.</b>	2006-1828-PWS-E	<b>PCW</b>
<b>Respondent</b>	Aransas County Municipal Utility District No. 1		Policy Revision 2 (September 2002)	
<b>Case ID No.</b>	31469	PCW Revision May 19, 2005		
<b>Reg. Ent. Reference No.</b>	RN101416634			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amy Martin			

**Compliance History Worksheet**

>> **Compliance History Site Enhancement (Subtotal 2)**

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

**Adjustment Percentage (Subtotal 2) 25%**

>> **Repeat Violator (Subtotal 3)**

No **Adjustment Percentage (Subtotal 3) 0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer **Adjustment Percentage (Subtotal 7) 0%**

>> **Compliance History Summary**

**Compliance History Notes** Enhancement due to five prior Notices of Violation ("NOV's") for violations that are same or similar.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%**

<b>Screening Date</b>	13-Oct-2006	<b>Docket No.</b>	2006-1828-PWS-E	<b>PCW</b>
<b>Respondent</b>	Aransas County Municipal Utility District No. 1			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	31469			<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b>	RN101416634			
<b>Media [Statute]</b>	Public Water Supply			
<b>Enf. Coordinator</b>	Amy Martin			
<b>Violation Number</b>	1			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 290.113(f)(4)			
<b>Secondary Rule Cite(s)</b>	Tex. Health & Safety Code § 341.0315(c)			
<b>Violation Description</b>	Failure to comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for TTHM based on a running annual average. Specifically, the running annual average concentration of TTHM was 0.099 mg/L for the second quarter of 2005, 0.139 mg/L for the third quarter of 2005, 0.138 mg/L for the fourth quarter of 2005, 0.135 mg/L for the first quarter of 2006 and 0.137 mg/L for the second quarter of 2006.			
<b>Base Penalty</b>				\$1,000

>> **Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent <input type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification				Percent <input type="text"/>

Matrix Notes: The customers of the water supply were exposed to a significant amount of contaminants which did not exceed levels that are protective to human health and the environment.

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

mark only one use a small x	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input type="text"/>
	semiannual	<input type="text"/>
	annual	X
	single event	<input type="text"/>

Violation Base Penalty

Two annual events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$328"/>	Violation Final Penalty Total <input type="text" value="\$750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$750"/>	

### Economic Benefit Worksheet

Respondent: Aransas County Municipal Utility District No. 1  
 Case ID No: 31469  
 Reg. Ent. Reference No: RN101416634  
 Media [Statute]: Public Water Supply  
 Violation No: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$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)	\$2,500	15-Sep-2005	29-Apr-2008	2.6	\$328	n/a	\$328

Notes for DELAYED costs: Estimated cost to implement an alternative method of disinfection. The Date Required is the date the exceedences were first discovered. The Final Date is the estimated date of compliance.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance: \$2,500 **TOTAL** \$328

## Compliance History

Customer/Respondent/Owner-Operator:	CN600737878    Aransas County Municipal Utility District No. 1	Classification: AVERAGE	Rating: 0.75
Regulated Entity:	RN101416634    ARANSAS COUNTY MUD 1	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE	0040042 0040042
Location:	1300 BLOCK OF 8TH ST NEAR LAMAR ARANSAS COUNTY		
TCEQ Region:	REGION 14 - CORPUS CHRISTI		
Date Compliance History Prepared:	October 05, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 05, 2001 to October 05, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Amy Martin	Phone:	512-239-2540

### Site Compliance History Components

- |  |           |
|--|-----------|
| 1. Has the site been in existence and/or operation for the full five year compliance period? | Yes       |
| 2. Has there been a (known) change in ownership of the site during the compliance period?    | No        |
| 3. If Yes, who is the current owner?   | N/A       |
| 4. If Yes, who was/were the prior owner(s)?  | N/A _____ |
| 5. When did the change(s) in ownership occur?  | N/A _____ |

### Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the 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. (CCEDS Inv. Track. No.)
  - 1 09/30/2005 (511773)
  - 2 09/16/2005 (511450)
  - 3 09/21/2006 (513347)
  - 4 07/20/2006 (511865)
  - 5 12/02/2003 (254392)
  - 6 01/12/2006 (511802)
  - 7 04/19/2006 (511831)
- E. Written notices of violations (NOV). (CCEDS Inv. Track. No.)

**Date: 01/12/2006 (511802)**

Self Report? NO

Classification: Moderate

Citation:

30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description:

Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.

**Date: 09/16/2005 (511450)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2005.

**Date: 09/30/2005 (511773)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.

**Date: 07/20/2006 (511865)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the second quarter of 2006.

**Date: 04/19/2006 (511831)**

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)

Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.

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



<b>IN THE MATTER OF AN</b>	<b>§</b>	<b>BEFORE THE</b>
<b>ENFORCEMENT ACTION</b>	<b>§</b>	
<b>CONCERNING</b>	<b>§</b>	
<b>ARANSAS COUNTY MUNICIPAL</b>	<b>§</b>	<b>TEXAS COMMISSION ON</b>
<b>UTILITY DISTRICT NO. 1</b>	<b>§</b>	
<b>RN101416634</b>	<b>§</b>	<b>ENVIRONMENTAL QUALITY</b>

## **AGREED ORDER DOCKET NO. 2006-1828-PWS-E**

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Aransas County Municipal Utility District No. 1 ("Aransas County MUD No. 1") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Aransas County MUD No. 1 presented this agreement to the Commission.

Aransas County MUD No. 1 understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, Aransas County MUD No. 1 agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon Aransas County MUD No. 1.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. Aransas County MUD No. 1 owns and operates a public water system at 1338 8th Street near Lamar, Aransas County, Texas (the "Facility") that has approximately 75 service connections and serves at least 25 people per day for at least 60 days per year.
2. During a record review conducted on August 29, 2006, TCEQ staff documented that Aransas County MUD No. 1 did not comply with the maximum contaminant level ("MCL") of 0.080 milligrams per liter ("mg/L") for total trihalomethanes ("TTHM") based on a running annual average. Specifically, the running annual average for TTHM was 0.099 mg/L for the second quarter of 2005, 0.139 mg/L



for the third quarter of 2005, 0.138 mg/L for the fourth quarter of 2005, 0.135 mg/L for the first quarter of 2006, and 0.137 mg/L for the second quarter of 2006.

3. Aransas County MUD No. 1 received notices of the violations dated September 16 and September 30, 2005, and January 12, April 19, July 20, and August 31, 2006.

## II. CONCLUSIONS OF LAW

1. Aransas County MUD No. 1 is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 2, Aransas County MUD No. 1 exceeded the MCL of 0.080 mg/L for total TTHM during the second, third, and fourth quarters of 2005, and the first and second quarters of 2006, in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
3. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Aransas County MUD No. 1 for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
4. An administrative penalty in the amount of Seven Hundred Fifty Dollars (\$750) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). Aransas County MUD No. 1 has paid the Seven Hundred Fifty Dollar (\$750) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. Aransas County MUD No. 1 is assessed an administrative penalty in the amount of Seven Hundred Fifty Dollars (\$750), as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Aransas County MUD No. 1's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Aransas County Municipal Utility District No. 1, Docket No. 2006-1828-PWS-E" to:



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

2. Aransas County MUD No. 1 shall undertake the following technical requirements:
- a. Within 365 days after the effective date of this Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113.
  - b. Within 380 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision No. 2.a. as described below:

The certification shall be notarized by the State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Dr., Unit 5839  
Corpus Christi, Texas 78412

3. The provisions of this Agreed Order shall apply to and be binding upon Aransas County MUD No. 1. Aransas County MUD No. 1 is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.



4. 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 Aransas County MUD No. 1 shall be made in writing to the Executive Director. Extensions are not effective until Aransas County MUD No. 1 receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to Aransas County MUD No. 1 if the Executive Director determines that Aransas County MUD No. 1 has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against Aransas County MUD No. 1 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.





## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

3/20/07  
\_\_\_\_\_  
Date


I, the undersigned, have read and understand the attached Agreed Order in the matter of Aransas County Municipal Utility District No. 1. I am authorized to agree to the attached Agreed Order on behalf of Aransas County Municipal Utility District No. 1, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Aransas County Municipal Utility District No. 1 waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

- A negative impact on my compliance history;
- Greater scrutiny of any permit applications submitted by me;
- Referral of this case to the Attorney General's Office for contempt, injunctive relief, additional penalties, and/or attorney fees, or to a collection agency;
- Increased penalties in any future enforcement actions against me;
- Automatic referral to the Attorney General's Office of any future enforcement actions against me; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

12/12/2006  
\_\_\_\_\_  
Date

S. E. KELLY  
\_\_\_\_\_  
Name (printed or typed)  
Authorized Representative  
Aransas County Municipal Utility District No. 1

President  
\_\_\_\_\_  
Title

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