EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1883-PWS-E **TCEQ ID:** RN101397008 **CASE NO.:** 31559

RESPONDENT NAME: City of Somerville

ORDER TYPE:

__1660 AGREED ORDER	X 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	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
__MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	__WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of Somerville, 150 8th Street, Somerville, Burleson County

TYPE OF OPERATION: Public water supply

SMALL BUSINESS: ___ Yes __X_ No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Section I, MC 169, (512) 239-1482; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

TCEQ Field Investigator: Ms. Gena Gutierrez, Waco Regional Office, MC R-09, (254) 751-0335

Respondent: The Honorable Tommy Thompson, Mayor, City of Somerville, P.O. Box 159, Somerville, Texas 77879-0159

Respondent's Attorney: Ms. Diana Granger, Knight and Partners, 223 West Anderson Lane, Suite A105, Austin, Texas 78752-1115

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** September 18, 2006 **Dates of NOVs/NOEs Relating to this Case:** March 29 and October 20, 2005, January 12, April 19, and July 20, 2006 (NOVs); September 20, 2006 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **WATER** Failed to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $760 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid to General Revenue:** $760 **Site Compliance History Classification:** __High __Avg. __Poor **Person Compliance History Classification:** __High _X_Avg. __Poor **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002 **Findings Order Justification:** The Respondent has three repeated enforcement actions for the same violation over the prior five year period.	**Ordering Provision:** The Order will require the Respondent to: a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM; and b. Within 380 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision a.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision May 19, 2005*

DATES **Assigned** 16-Oct-2006 **PCW** 26-Oct-2006 **Screening** 26-Oct-2006 **EPA Due** 31-May-2006

RESPONDENT/FACILITY INFORMATION

Respondent City of Somerville
Reg. Ent. Ref. No. RN101397008
Facility/Site Region 9-Waco < **Major/Minor Source** Minor Source <

CASE INFORMATION

Enf./Case ID No. 31559
Docket No. 2006-1883-PWS-E
Media Program(s) Public Water Supply <
Multi-Media
Admin. Penalty $ Limit Minimum $50 **Maximum** $1,000

No. of Violations 1
Order Type Findings <
Enf. Coordinator Andrea Linson-Mgbeoduru
EC's Team Enforcement Team 2 <

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) ***Subtotal 1*** **$500**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **27%** Enhancement ***Subtotals 2, 3, & 7*** **$135**

Notes: The respondent was issued five Notices of Violation (NOVs) for same/similar violations and one unrelated NOV.

Culpability Yes < **25%** Enhancement ***Subtotal 4*** **$125**

Notes: The respondent received three alert letters for total trihalomethanes ("TTHM") exceedances, dated August 2, 2004, November 16, 2004 and July 11, 2005.

Good Faith Effort to Comply **0%** Reduction ***Subtotal 5*** **$0**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	*(mark with a small x)*

Notes: Respondent does not meet the good faith effort criteria.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** **$0**

**Capped at the Total EB $ Amount*

Total EB Amounts $396
Approx. Cost of Compliance $2,500

SUM OF SUBTOTALS 1-7 **Final Subtotal** **$760**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment** **$0**

Reduces or enhances the Final Subtotal by the indicated percentage. *(Enter number only; e.g. -30 for -30%.)*

Notes:

Final Penalty Amount **$760**

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** **$760**

DEFERRAL 0% Reduction **Adjustment** **$0**

Reduces the Final Assessed Penalty by the indicted percentage. *(Enter number only; e.g. 20 for 20% reduction.)*

Notes: No deferral is offered on Findings Orders.

PAYABLE PENALTY **$760**

Screening Date 26-Oct-2006 **Docket No.** 2006-1883-PWS-E **PCW**

Respondent City of Somerville *Policy Revision 2 (September 2002)*

Case ID No. 31559 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101397008

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

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 *(number of NOVs meeting criteria)*	5	25%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	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 *(number of judgements or consent decrees meeting criteria)*	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 *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	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 Yes or No	
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) **27%**

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

N/A

Adjustment Percentage (Subtotal 3) **0%**

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

Average Performer

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

>> **Compliance History Summary**

Compliance History Notes The respondent was issued five Notices of Violation (NOVs) for same/similar violations and one unrelated NOV.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **27%**

Screening Date 26-Oct-2006 **Docket No.** 2006-1883-PWS-E **PCW**

Respondent City of Somerville *Policy Revision 2 (September 2002)*

Case ID No. 31559 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101397008

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.113(f)(4)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)
Violation Description	The respondent exceeded the maximum contaminant level of 0.080 milligrams per liter ("mg/L") for TTHM based on a running annual average. Specifically, the running annual average concentration for TTHM was 0.111 mg/L for the first quarter of 2005, 0.108 mg/L for the third quarter of 2005, 0.096 mg/L for the fourth quarter 2005, 0.096 mg/L for first quarter 2006 and 0.104 mg/L for the second quarter 2006.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Customers of the water supply have been exposed to significant amounts of pollutants which did not exceed levels protective of human health.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events: 2

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $500

Two annual events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $396

Statutory Limit Test

Violation Final Penalty Total $760

This violation Final Assessed Penalty (adjusted for limits) $760

Economic Benefit Worksheet

Respondent City of Somerville
Case ID No. 31559
Reg. Ent. Reference No. RN101397008
Media [Statute] Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$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	29-Mar-2005	27-May-2008	3.2	$396	n/a	$396

Notes for DELAYED costs The delayed costs includes the amount for the water supply to implement an alternative form of disinfection, calculated from the first quarter of noncompliance to 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 $396

Compliance History

Customer/Respondent/Owner-Operator:	CN600513337	City of Somerville	Classification: AVERAGE	Rating: 2.00
Regulated Entity:	RN101397008	CITY OF SOMERVILLE	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0260002
	WATER LICENSING	LICENSE	0260002
Location:	150 8th St, Somerville		
TCEQ Region:	REGION 09 - WACO		
Date Compliance History Prepared:	October 25, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	October 25, 2001 to October 25, 2006		

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: Andrea Linson-Mgbeoduru Phone: 512/239-1482

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 04/19/2006 (515246)
2 10/20/2005 (515092)
3 07/20/2006 (515292)
4 10/13/2006 (515892)
5 03/19/2003 (26968)
6 11/06/2002 (11066)
7 01/12/2006 (515236)
8 07/29/2005 (400888)
9 03/29/2005 (514425)

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

Date: 10/23/2002 (11066)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)
Description: Failure to provide a sanitary easement at the time of this investigation for well 3.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
Description: Failure to inspect the ground storage tanks at least annually.

Date: 04/19/2006 (515246)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2006.

Date: 03/29/2005 (514425)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the first quarter of 2005.
Date: 01/12/2006 (515236)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the fourth quarter of 2005.
Date: 10/20/2005 (515092)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the third quarter of 2005.
Date: 07/20/2006 (515292)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Violated the maximum contaminant level for trihalomethanes in the second 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

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF SOMERVILLE	§	
RN101397008	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1883-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 the City of Somerville ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City, represented by Diana Granger of the law firm Knight and Partners, presented this agreement to the Commission.

The City 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, the City 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 the City.

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

I. FINDINGS OF FACT

1. The City owns and operates a public water supply located at 150 8th Street in Somerville, Burleson County, Texas (the "Facility") that has approximately 859 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review conducted on September 18, 2006, TCEQ staff documented that the City exceeded 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 concentration for TTHM was 0.111 mg/L for the first quarter of 2005, 0.108 mg/L for the

third quarter of 2005, 0.096 mg/L for the fourth quarter 2005, 0.096 mg/L for first quarter 2006 and 0.104 mg/L for the second quarter 2006.

3. The City received notices of the violations dated March 29, 2005, October 20, 2005, January 12, 2006, April 19, 2006, July 20, 2006, and September 20, 2006.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE § 341 and the rules of the Commission.

2. As evidenced by Finding of Fact No. 2, the City failed to comply with the MCL for TTHM 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 the City 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 Sixty Dollars ($760) 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). The City has paid the Seven Hundred Sixty Dollar ($760) administrative penalty.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Seven Hundred Sixty Dollars ($760), as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City'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: City of Somerville, Docket No. 2006-1883-PWS-E" to:

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

2. The City shall undertake the following technical requirements:

a. Within 365 days after the effective date of the Agreed Order, return to compliance with the running annual average MCL for TTHM, in accordance with 30 TEX. ADMIN. CODE § 290.113; and

b. Within 380 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision 2.a. as described below.

This 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."

This 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:

DBP Compliance Coordinator
Water Supply Division, PDWS, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

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

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 the City if the Executive Director determines that the City 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 the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

_____ 4/27/07
For the Executive Director Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Somerville. I am authorized to agree to the attached Agreed Order on behalf of the City of Somerville, 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, the City of Somerville 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.

Tommy Thompson _____ 1-29-07
Signature Date

Tommy Thompson _____ Mayor
Name (printed or typed) Title
Authorized Representative
City of Somerville

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