EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-1594-MLM-E **TCEQ ID:** RN101283075 and RN101720738 **CASE NO.:** 31112

RESPONDENT NAME: City of Aledo

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	X PUBLIC WATER SUPPLY	__RADIOACTIVE WASTE
X MULTI-MEDIA (check all that apply)	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL	__USED OIL
__USED OIL FILTER	X WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of Aledo Water Utility, approximately one mile north of Aledo on Bailey Ranch Road, west of Highway 1187, and City of Aledo Wastewater Treatment Plant located approximately one half mile west of the intersection of Farm-to-Market Road 5 and Farm-to-Market Road 2376, Aledo, Parker County

TYPE OF OPERATION: Public water supply and wastewater treatment facilities

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no 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 March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768

TCEQ Enforcement Coordinator: Ms. Anita Keese, Enforcement Division, Enforcement Section I, MC R-15, (956) 430-6034; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Respondent: The Honorable Kit Marshall, Mayor, City of Aledo, P.O. Box 1, Aledo, Texas 76008

Respondent's Attorney: Mr. Douglas W. Black, Taylor, Olsen, Adkins, Sralla & Elam, L.L.P., 6000 Western Place, Suite 200, Fort Worth, Texas 76107

Attachment: Site Compliance History

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __X_ Routine __ Enforcement Follow-up __X_ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** July 18, 2006 **Date of NOEs Relating to this Case:** August 22, 2006 and September 9, 2006 (NOEs) **Background Facts:** These were routine investigations. Eleven violations were documented. **WATER** PWS Facility 1) Failed to provide the public water system's operating records for review during inspections [30 TEX. ADMIN. CODE § 290.46(f)(2)]. 2) Failed to obtain a sanitary control easement covering land within 150 feet of the well or executive director approval for an authorized substitution [30 TEX. ADMIN. CODE § 290.41(c)(1)(F)]. 3) Failed to have the backflow prevention assembly at the Bryant Grain Co. granary tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications [30 TEX. ADMIN. CODE § 290.44(h)(4)]. 4) Failed to provide two or more wells with a total capacity of 0.6 gallons per minute (gpm) per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 5) Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].	**Total Assessed:** $9,930 **Total Deferred:** $1,986 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $7,944 **Total Paid (Due) to General Revenue:** $0 RN101720738 **Site Compliance History Classification:** __High __X_ Avg. __Poor **Person Compliance History Classification:** __High __X_ Avg. __Poor **Major Source:** __ Yes __X_ No RN101283075 **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	**Corrective Actions Taken:** 1) The Executive Director recognizes that the City submitted the plugging report for well no. 3 on July 25, 2006. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 3) The Order will require the Respondent to undertake the following technical requirements at the PWS Facility: a. Within 10 days after the effective date of this Agreed Order: i. Begin maintaining well completion data for all active wells; and ii. Begin maintaining all the public water system's operating records for review at the request of the executive director, including but not limited to; customer service inspection certificates, an up-to-date chemical and microbiological monitoring plan, and an up-to-date plant operations manual. b. Within 30 days after the effective date of this Agreed Order: i. Submit written documentation that demonstrates compliance with Ordering Provision Nos. 3.a.i through 3.a.ii.; ii. Test the backflow assembly at the Bryant Grain Co. granary using a recognized backflow prevention assembly tester; and iii. Conduct the annual inspection of both pressure tanks. c. Within 45 days after the effective date of this Agreed Order, submit written documentation that demonstrates compliance with Ordering Provision Nos. 3.b.ii. through 3.b.iii.

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
6) Failed to provide emergency power for a system which serves more than 250 connections and does not meet the elevated storage requirements [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 7) Failed to maintain a copy of the well completion data on file for as long as the well remains in service [30 TEX. ADMIN. CODE § 290.46(n)(3)]. 8) Failed to annually inspect all pressure tanks [30 TEX. ADMIN. CODE § 290.46(m)(1)(B)]. 9) Failed to maintain an up-to-date chemical and microbiological monitoring plan [30 TEX. ADMIN. CODE § 290.121(a)]. WQ Facility 10) Failed to comply with the permitted effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements and TEX. WATER CODE § 26.121(a)]. 11) Failed to submit the annual sludge report to the Commission by September 1, 2006 [TPDES Permit No. 10847-001, Sludge Provisions and 30 TEX. ADMIN. CODE § 305.125(1)].		d. Within 90 days after the effective date of this Agreed Order: i. Provide emergency power that will deliver a minimum of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply; and ii. Secure sanitary control easements or exceptions to the easement requirement for Wells 1, 2, 4 and 7P. e. Within 105 days after the effective date of this Agreed Order, submit written documentation that demonstrates compliance with Ordering Provision Nos. 3.d.i. through 3.d.ii. f. Within 180 days after the effective date of this Agreed Order: i. Provide two or more wells that provide a total capacity of 0.6 gpm per connection; and ii. Provide a pressure tank capacity of 20 gallons per connection in the Rolling Hills Pressure Plane and City Pressure Plane. 4) The Order will require the Respondent to undertake the following technical requirements at the WQ Facility: a. Within 30 days after the effective date of this Agreed Order, submit the annual monitoring reports for sludge for the monitoring period ending July 31, 2006; b. Within 60 days after the effective date of this Agreed Order, achieve compliance with all permitted effluent limits; and c. Within 75 days after the effective date of this Agreed Order, submit written documentation that demonstrates compliance with Ordering Provision Nos. 4.a and 4.b.

Attachment A
Docket Number: 2006-1594-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Aledo**
Payable Penalty Amount:	**Seven Thousand Nine Hundred Forty-Four Dollars ($7,944)**
SEP Amount:	**Seven Thousand Nine Hundred Forty-Four Dollars ($7,944)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Parker County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	18-Sep-2006				
PCW	09-Nov-2006	Screening	25-Sep-2006	EPA Due	31-Dec-2006

RESPONDENT/FACILITY INFORMATION

Respondent	City of Aledo		
Reg. Ent. Ref. No.	RN101720738		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31112	No. of Violations	2
Docket No.	2006-1594-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $4,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 52% Enhancement *Subtotals 2, 3, & 7* $2,080

Notes: The respondent received ten months of self-reported effluent violations and one Notice of Violation with dissimilar violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

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: The respondent does not meet the good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$88
Approx. Cost of Compliance	$900

SUM OF SUBTOTALS 1-7 Final Subtotal $6,080

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 $6,080

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $6,080

DEFERRAL 20% Reduction Adjustment -$1,216

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $4,864

Screening Date	25-Sep-2006	**Docket No.** 2006-1594-MLM-E	**PCW**
Respondent	City of Aledo		*Policy Revision 2 (September 2002)*
Case ID No.	31112		*PCW Revision May 19, 2005*
Reg. Ent. Reference No.	RN101720738		
Media [Statute]	Water Quality		
Enf. Coordinator	Anita Keese		

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)*	10	50%
	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) **52%**

>> 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: The respondent received ten months of self-reported effluent violations and one Notice of Violation with dissimilar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **52%**

PCW

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

Screening Date	25-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101720738
Media [Statute]	Water Quality
Enf. Coordinator	Anita Keese

Violation Number 1

Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements
Secondary Rule Cite(s)	Tex. Water Code § 26.121(a)
Violation Description	Failure to comply with the permitted effluent limitations as shown in the attached effluent limit violation table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Harm		
Release	Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was utilized to evaluate the values of Ammonia-Nitrogen (NH3-N) and other pollutants to determine whether the discharged amounts of pollutants exceed levels that are protective of human health and the environment. The NH3-N and other pollutants discharged at the time of the violations were insignificant and do not exceed levels that are protective of human health and the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 3

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

Violation Base Penalty $3,000

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $64

Statutory Limit Test

Violation Final Penalty Total $4,560

This violation Final Assessed Penalty (adjusted for limits) $4,560

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101720738
Media [Statute]: Water Quality
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	$700	01-Sep-2005	30-Jun-2007	1.8	$64	n/a	$64
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: This is an estimated cost for additional oversight and sampling which might have reduced or alleviated the exceedances. The date required is the date of the first violation and 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: $700

TOTAL: $64

PCW

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

Screening Date	25-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101720738
Media [Statute]	Water Quality
Enf. Coordinator	Anita Keese
Violation Number	2
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10847-001, Sludge Provisions
Secondary Rule Cite(s)	
Violation Description	Failure to submit the annual sludge report to the Commission by September 1, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

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

Violation Base Penalty $1,000

One annual event recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $24

Statutory Limit Test

Violation Final Penalty Total $1,520

This violation Final Assessed Penalty (adjusted for limits) $1,520

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101720738
Media [Statute]: Water Quality
Violation No.: 2

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)	$200	01-Aug-2005	30-Apr-2007	1.7	$1	$23	$24
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)				0.0	$0	n/a	$0
Notes for DELAYED costs	Estimated cost to produce and submit the sludge DMRs. The date required is August 1, 2006 and 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: $200

TOTAL: $24

Compliance History

Customer/Respondent/Owner-Operator:	CN600740815	City of Aledo	Classification: AVERAGE	Rating: 0.83
Regulated Entity:	RN101720738	CITY OF ALEDO	Classification: AVERAGE	Site Rating: 0.83

ID Number(s):	WASTEWATER	PERMIT	WQ0010847001
	WASTEWATER	PERMIT	TPDES0027120
	WASTEWATER	PERMIT	TX0027120
	WASTEWATER LICENSING	LICENSE	WQ0010847001

Location: ½ MILE WEST OF FM 5 AND FM 2376, ALEDO, TEXAS Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: November 01, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 01, 2001 to November 01, 2006

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

Name: Anita Keese Phone: (956) 430-6034

Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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.)

N/A

1	05/21/2003	(302586)
2	06/23/2003	(302587)
3	02/21/2003	(175101)
4	06/21/2004	(302588)
5	07/24/2003	(302589)
6	03/24/2003	(175102)
7	08/21/2003	(302590)
8	04/22/2003	(175103)
9	09/19/2003	(302591)
10	10/23/2003	(302592)
11	11/20/2003	(302593)
12	12/22/2003	(302594)
13	11/22/2002	(175104)
14	03/08/2006	(471241)
15	01/20/2004	(302595)
16	12/30/2002	(175105)
17	01/27/2003	(175106)
18	02/17/2005	(351010)
19	08/25/2005	(442286)
20	03/24/2006	(471243)
21	09/26/2005	(442287)
22	05/02/2006	(499991)
23	10/24/2005	(471244)
24	05/22/2006	(499992)

25 06/28/2006 (499993)
26 04/23/2004 (354956)
27 05/21/2004 (354957)
28 07/20/2004 (354958)
29 08/27/2004 (354959)
30 09/20/2004 (354960)
31 10/22/2004 (354961)
32 11/12/2004 (335251)
33 03/25/2005 (383449)
34 01/05/2005 (383450)
35 01/05/2005 (383451)
36 11/29/2005 (471245)
37 01/20/2005 (383452)
38 12/27/2005 (471246)
39 01/26/2006 (471247)
40 06/21/2002 (2737)
41 02/18/2005 (421303)
42 04/24/2005 (421304)
43 05/24/2005 (421305)
44 06/21/2005 (421306)
45 09/14/2006 (511444)
46 07/22/2005 (421307)
47 02/23/2004 (302584)
48 03/22/2004 (302585)

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

N/A

Date: 07/13/2002 (2737)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to properly document pH meter calibration events.

Self Report? NO Classification: Major
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
30 TAC Chapter 319, SubChapter A 319.7(c)
Description: Failure to properly document D.O. meter calibration events.

Date: 03/31/2003 (175103)
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

Date: 11/30/2002 (175105)
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

Date: 01/31/2006 (471241)
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

Date: 02/28/2006 (471243)
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

Date: 04/30/2006 (499992)
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

Date: 06/30/2004 (354958)
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

Date: 09/30/2005 (471244)
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

Date: 11/30/2004 (383451)
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

Date: 11/30/2005 (471246)
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

Date: 01/31/2005 (421303)
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. 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

Penalty Calculation Worksheet (PCW)

TCEQ

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

DATES					
Assigned	05-Sep-2006				
PCW	14-Nov-2006	Screening	11-Sep-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Aledo		
Reg. Ent. Ref. No.	RN101283075		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	31112	No. of Violations	9
Docket No.	2006-1594-MLM-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Anita Keese
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty $ Limit Minimum	$50	Maximum	$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $3,850

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 0% Enhancement *Subtotals 2, 3, & 7* $0

Notes: No enhancement due to average performer classification.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The respondent does not meet the culpability criteria.

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: The respondent does not meet the good faith criteria.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$1,120
Approx. Cost of Compliance	$13,700

SUM OF SUBTOTALS 1-7 Final Subtotal $3,850

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 $3,850

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty $3,850

DEFERRAL 20% Reduction Adjustment -$770

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $3,080

Screening Date 11-Sep-2006 **Docket No.** 2006-1594-MLM-E **PCW**
Respondent City of Aledo *Policy Revision 2 (September 2002)*
Case ID No. 31112 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101283075
Media [Statute] Public Water Supply
Enf. Coordinator Anita Keese

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)*	0	0%
	Other written NOVs	0	0%
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) **0%**

>> 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 No enhancement due to average performer classification.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **0%**

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(f)(2)
Secondary Rule Cite(s)	
Violation Description	Failure to provide the public water system's operating records for review during inspections. Specifically, during the investigation, the respondent failed to provide a plugging report for abandoned well no. 3, customer service inspection certificates, and an up-to-date and thorough plant operations manual for operator review and reference.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 3

mark only one
use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $300

Three single events are recommended based on three records that were not provided during the investigation.

Economic Benefit (EB) for this violation

Estimated EB Amount $22

Statutory Limit Test

Violation Final Penalty Total $300

This violation Final Assessed Penalty (adjusted for limits) $300

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
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	$500	18-Jul-2006	31-May-2007	0.9	$22	n/a	$22
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)	$200	18-Jul-2006	25-Jul-2006	0.0	$0	n/a	$0

Notes for DELAYED costs: This includes the estimated cost to provide the record of the well plugging report to the commission up to the date of compliance. This is also the estimated cost to develop and maintain operation records, including the customer service inspection certificates and a plant operations manual, at all times at the water system. The Date Required is the investigation date and the Final Date is the projected 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: $700

TOTAL: $22

PCW

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

Screening Date 11-Sep-2006 **Docket No.** 2006-1594-MLM-E
Respondent City of Aledo
Case ID No. 31112
Reg. Ent. Reference No. RN101283075
Media [Statute] Public Water Supply
Enf. Coordinator Anita Keese

Violation Number 2
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.41(c)(1)(F)
Secondary Rule Cite(s)
Violation Description Failure to obtain a sanitary control easement covering land within 150 feet of the well or executive director approval for an authorized substitution for well nos. 1, 2, 4 and 7P.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

OR

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to obtain a sanitary control easement could expose customers of the water supply to an insignificant amount of pollutants which would not exceed levels protective of human health.

Adjustment -$950

Base Penalty Subtotal $50

Violation Events

Number of Violation Events: 4

mark only one / use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $200

Four single events are recommended for four easements.

Economic Benefit (EB) for this violation

Estimated EB Amount $41

Statutory Limit Test

Violation Final Penalty Total $200

This violation Final Assessed Penalty (adjusted for limits) $200

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
Media [Statute]: Public Water Supply
Violation No.: 2

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)	$800	18-Jul-2006	31-Jul-2007	1.0	$41	n/a	$41
Notes for DELAYED costs	Estimated cost to obtain sanitary control easements or exceptions to the easements requirement for four wells. The Date Required is the date of the Investigation and the Final Date is the projected 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: $800

TOTAL: $41

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	3
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.44(h)(4)
Secondary Rule Cite(s)	
Violation Description	Failure to have the backflow prevention assembly at the Bryant Grain Co. granary tested upon installation by a recognized backflow prevention assembly tester and certified to be operating within specifications.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		X	

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Failure to have backflow assemblies tested could lead to the leaks in the system which cause exposure to pollutants which would not exceed levels that are protective of human health.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	X
semi-annual	
annual	
single event	

Violation Base Penalty $100

One quarterly event is recommended from the July 18, 2006 investigation to the September 11, 2006 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $10

Statutory Limit Test

Violation Final Penalty Total $100

This violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
Media [Statute]: Public Water Supply
Violation No.: 3

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)	$200	11-Jul-2006	30-Jun-2007	1.0	$10	n/a	$10

Notes for DELAYED costs: Estimated cost to have a backflow prevention assembly tested by a recognized backflow prevention tester. The Date Required is the date of the investigation and 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: $200

TOTAL: $10

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	4
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(i)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)
Violation Description	Failure to provide two or more wells with a total capacity of 0.6 gallons per minute (gpm) per connection. Specifically, the total well capacity for well nos. 1 and 4 is 151 gpm for the Rolling Hills pressure plane which is approximately 5% deficient of the 159.6 gpm required with 266 connections.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without sufficient capacity, the customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment -$950

Base Penalty Subtotal $50

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $50

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $369

Statutory Limit Test

Violation Final Penalty Total $50

This violation Final Assessed Penalty (adjusted for limits) $50

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
Media [Statute]: Public Water Supply
Violation No.: 4

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	$5,000	11-Jul-2006	31-Jul-2007	1.1	$18	$352	$369
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	$0
Notes for DELAYED costs	This is an estimated cost to provide additional well capacity. The Date Required is the Investigation date and the Final Date is the projected 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: $5,000

TOTAL: $369

Screening Date 11-Sep-2006 **Docket No.** 2006-1594-MLM-E **PCW**

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

Case ID No. 31112 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101283075

Media [Statute] Public Water Supply

Enf. Coordinator Anita Keese

Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv)

Secondary Rule Cite(s) Tex. Health & Safety Code § 341.0315(c)

Violation Description Failure to provide a pressure tank capacity of 20 gallons per connection. Specifically, the Rolling Hills pressure plane was provided with 3,000 gallons of elevated storage capacity, which is approximately 44% deficient of the 5,320 gallons required for 266 connections, and the City pressure plane was provided with 3,000 gallons of elevated storage capacity, which is approximately 78% deficient of the 13,440 gallons required for 672 connections.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without sufficient capacity, the customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events 4

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,000

Four monthly events are recommended, based on two monthly events for each pressure plane, from the July 18, 2006 investigation to the September 11, 2006 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $362

Statutory Limit Test

Violation Final Penalty Total $1,000

This violation Final Assessed Penalty (adjusted for limits) $1,000

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
Media [Statute]: Public Water Supply
Violation No.: 5

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	$5,000	18-Jul-2006	31-Jul-2007	1.0	$17	$345	$362
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	$0
Notes for DELAYED costs	This is an estimated cost to provide the required elevated storage capacity. The Date Required is the investigation date and the Final Date is the projected 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: $5,000

TOTAL: $362

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	6
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.45(b)(1)(D)(v)
Secondary Rule Cite(s)	Tex. Health & Safety Code § 341.0315(c)
Violation Description	Failure to provide emergency power that will deliver a minimum of 0.35 gallons per minute per connection to a distribution system in the event of the loss of normal power supply.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Without provisions for emergency power, the customers of the water supply could experience water shortages and the system's ability to provide a safe and reliable water supply could be compromised.

Adjustment -$750

Base Penalty Subtotal $250

Violation Events

Number of Violation Events: 4

mark only one use a small x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $1,000

Four monthly events are recommended, based on two monthly events for each pressure plane, from the July 18, 2006 investigation to the September 11, 2006 enforcement screening.

Economic Benefit (EB) for this violation

Estimated EB Amount $72

Statutory Limit Test

Violation Final Penalty Total $1,000

This violation Final Assessed Penalty (adjusted for limits) $1,000

Economic Benefit Worksheet

Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Violation No.	6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
	No commas or $						
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$1,000	18-Jul-2006	31-Jul-2007	1.0	$3	$69	$72
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	$0
Notes for DELAYED costs	This is an estimated cost to provide provisions for emergency power. The Date Required is the investigation date and the Final Date is the projected 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 $1,000

TOTAL $72

PCW

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

Screening Date 11-Sep-2006 **Docket No.** 2006-1594-MLM-E
Respondent City of Aledo
Case ID No. 31112
Reg. Ent. Reference No. RN101283075
Media [Statute] Public Water Supply
Enf. Coordinator Anita Keese

Violation Number 7
Primary Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(3)
Secondary Rule Cite(s)
Violation Description Failure to maintain a copy of the well completion data on file for as long as the well remains in service for well nos. 1, 2, 4 and 5.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events 4

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $400

Four single events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $9

Statutory Limit Test

Violation Final Penalty Total $400

This violation Final Assessed Penalty (adjusted for limits) $400

Economic Benefit Worksheet

Respondent: City of Aledo
Case ID No.: 31112
Reg. Ent. Reference No.: RN101283075
Media [Statute]: Public Water Supply
Violation No.: 7

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)	$200	18-Jul-2006	31-May-2007	0.9	$9	n/a	$9
Notes for DELAYED costs	This is an estimated cost to complete and maintain a copy of the well completion data. The Date Required is the investigation date and the Final Date is the projected 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: $200

TOTAL: $9

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	8
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.46(m)(1)(B)
Secondary Rule Cite(s)	
Violation Description	Failure to annually inspect pressure tanks.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential	x		

Percent 25%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Complete failure to perform an inspection on the pressure tank could result in non-detection of tank defects that could cause loss of tank integrity, and customers of the water supply could be exposed to significant amounts of contaminants at levels that are not protective of human health and environmental receptors.

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 for two pressure tanks.

Economic Benefit (EB) for this violation

Estimated EB Amount $210

Statutory Limit Test

Violation Final Penalty Total $500

This violation Final Assessed Penalty (adjusted for limits) $500

Economic Benefit Worksheet

Respondent City of Aledo
Case ID No. 31112
Reg. Ent. Reference No. RN101283075
Media [Statute] Public Water Supply
Violation No. 8

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)				0.0	$0	n/a	$0
Notes for DELAYED costs							
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	$200	18-Jul-2005	18-Jul-2006	1.0	$10	$200	$210
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	This is an estimated cost for an annual pressure tank inspection. The Date Required is one year prior to the investigation date.						

Approx. Cost of Compliance $200

TOTAL $210

PCW

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

Screening Date	11-Sep-2006
Docket No.	2006-1594-MLM-E
Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Enf. Coordinator	Anita Keese
Violation Number	9
Primary Rule Cite(s)	30 Tex. Admin. Code § 290.121(a)
Secondary Rule Cite(s)	
Violation Description	Failure to maintain an up-to-date chemical and microbiological monitoring plan.

Base Penalty $1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: The respondent failed to comply with 100% of the rule requirement.

Adjustment -$900

Base Penalty Subtotal $100

Violation Events

Number of Violation Events: 1

mark only one use a small x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $100

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $6

Statutory Limit Test

Violation Final Penalty Total $100

This violation Final Assessed Penalty (adjusted for limits) $100

Economic Benefit Worksheet

Respondent	City of Aledo
Case ID No.	31112
Reg. Ent. Reference No.	RN101283075
Media [Statute]	Public Water Supply
Violation No.	9

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)	$200	18-Jul-2006	28-Feb-2007	0.6	$6	n/a	$6
Notes for DELAYED costs	This is an estimated cost to prepare an up-to-date chemical and microbiological monitoring plan. The Date Required is the investigation date and the Final Date is the projected 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	$200	TOTAL	$6

Compliance History

Customer/Respondent/Owner-Operator:	CN600740815	City of Aledo	Classification: AVERAGE	Rating: 0.83
Regulated Entity:	RN101283075	CITY OF ALEDO WATER UTILITY	Classification:	Site Rating:

ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	1840001
	WATER LICENSING	LICENSE	1840001
Location:	1 MILE NORTH OF ALEDO ON BAILEY RANCH ROAD, WEST OF HWY 1187		
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	November 01, 2006		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	November 01, 2001 to November 01, 2006		

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

Name: Anita Keese Phone: (956) 430-6034

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.)

N/A 1 08/30/2006 (497137)

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

N/A

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

Effluent Limit Violation Table

table rev. 12/11/2000

Respondent	City of Aledo
ID Number(s)	RN101720738
Docket Number	2006-1594-MLM-E
Enf. Coordinator	Anita Keese

Corresponds to Violation Number: 1

	EFFLUENT PARAMETER												
	Permit Limit												
	NH3-N daily average lbs/day	NH3-N daily average mg/L	NH3-N single grab mg/L	Total Cl monthly minimum mg/L									
Month/Year	8.8 lbs/day	3 mg/L	15 mg/L	1.0 mg/L									
September 2005	c	3.07	c	c									
November 2005	c	c	c	0.13									
January 2006	20.29	10.73	c	c									
February 2006	25.94	14.34	25	c									
April 2006	c	c	c	0.17									

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF ALEDO	§	
RN101283075 AND RN101720738	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-1594-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Aledo ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply that has approximately 938 service connections and serves at least 25 people per day for at least 60 days per year (the "PWS Facility") located approximately one mile north of Aledo on Bailey Ranch Road, west of Highway 1187, Parker County, Texas.

2. The City owns and operates a wastewater treatment plant (the "WQ Facility") located approximately one half mile west of the intersection of Farm-to-Market Road 5 and Farm-to-Market Road 2376 in Aledo, Parker County, Texas.

3. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

4. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

5. The City received notice of the violations alleged in Section II ("Allegations") on or about August 27, 2006 and September 14, 2006.

6. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

7. An administrative penalty in the amount of Nine Thousand Nine Hundred Thirty Dollars ($9,930) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Thousand Nine Hundred Forty-Four Dollars ($7,944) shall be conditionally offset by the City's completion of a Supplemental Environmental Project and One Thousand Nine Hundred Eighty-Six Dollars ($1,986) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

8. 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.

9. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

10. The Executive Director recognizes that the City submitted the plugging report for well no. 3 on July 25, 2006.

11. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

12. 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.

13. 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

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

   a. Failed to provide the public water system's operating records for review during inspections, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(2), as documented during an investigation conducted on July 18, 2006.

   b. Failed to obtain a sanitary control easement covering land within 150 feet of the well or executive director approval for an authorized substitution, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(1)(F), as documented during an investigation conducted on July 18, 2006.

   c. Failed to have the backflow prevention assembly at the Bryant Grain Co. granary tested upon installation by a recognized backflow prevention assembly tester and certified to be

operating within specifications, in violation of 30 TEX. ADMIN. CODE § 290.44(h)(4), as documented during an investigation conducted on July 18, 2006.

d. Failed to provide two or more wells with a total capacity of 0.6 gallons per minute (gpm) per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(i) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 18, 2006.

e. Failed to provide an elevated storage capacity of 100 gallons per connection or a pressure tank capacity of 20 gallons per connection, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 18, 2006.

f. Failed to provide emergency power for a system which serves more than 250 connections and does not meet the elevated storage requirements, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(v) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on July 18, 2006.

g. Failed to maintain a copy of the well completion data on file for as long as the well remains in service, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3), as documented during an investigation conducted on July 18, 2006.

h. Failed to annually inspect all pressure tanks, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(1)(B), as documented during an investigation conducted on July 18, 2006.

i. Failed to maintain an up-to-date chemical and microbiological monitoring plan, in violation of 30 TEX. ADMIN. CODE § 290.121(a), as documented during an investigation conducted on July 18, 2006.

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

a. Failed to comply with the permitted effluent limitations as shown in the effluent limit violation table below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10681-002, Final Effluent Limitations and Monitoring Requirements and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on July 18, 2006.

	NH3-N daily average lbs/day	NH3-N daily average mg/L	NH3-N single grab mg/L	Total Cl monthly minimum mg/L
Month/Year	8.8 lbs/day	3 mg/L	15 mg/L	1.0 mg/L
September 2005	c	3.07	c	c
November 2005	c	c	c	0.13
January 2006	20.29	10.73	c	c
February 2006	25.94	14.34	25	c
April 2006	c	c	c	0.17

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

b. Failed to submit the annual sludge report to the Commission by September 1, 2006, in violation of TPDES Permit No. 10847-001, Sludge Provisions, and 30 TEX. ADMIN. CODE § 305.125(1), as documented during an investigation conducted on July 18, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 7 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Aledo, Docket No. 2006-1594-MLM-E" to:

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

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Jurisdiction and Stipulations, Paragraph 7, Seven Thousand Nine Hundred Forty-Four Dollars ($7,944) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. The City shall undertake the following technical requirements at the PWS Facility:

   a. Within 10 days after the effective date of this Agreed Order:

      i. Begin maintaining well completion data for all active wells, as required by 30 TEX. ADMIN. CODE § 290.46; and

      ii. Begin maintaining all the public water system's operating records for review at the request of the executive director, including but not limited to; customer service inspection certificates, as required by 30 TEX. ADMIN. CODE § 290.46, an up-to-date chemical and microbiological monitoring plan, as required by 30 TEX. ADMIN. CODE § 290.121, and an up-to-date plant operations manual, as required by 30 TEX. ADMIN. CODE § 290.42.

   b. Within 30 days after the effective date of this Agreed Order:

      i. Submit written documentation, as detailed in Ordering Provision No. 4.c. below, that demonstrates compliance with Ordering Provision Nos. 3.a.i through 3.a.ii.;

      ii. Test the backflow assembly at the Bryant Grain Co. granary using a recognized backflow prevention assembly tester, as required by 30 TEX. ADMIN. CODE § 290.44; and

iii. Conduct the annual inspection of both pressure tanks, as required by 30 TEX. ADMIN. CODE § 290.46.

c. Within 45 days after the effective date of this Agreed Order, submit written documentation as detailed in Ordering Provision No. 4.c. below, that demonstrates compliance with Ordering Provision Nos. 3.b.ii. through 3.b.iii.

d. Within 90 days after the effective date of this Agreed Order:

i. Provide emergency power that will deliver a minimum of 0.35 gpm per connection to the distribution system in the event of the loss of normal power supply, as required by 30 TEX. ADMIN. CODE § 290.45; and

ii. Secure sanitary control easements or exceptions to the easement requirement for Wells 1, 2, 4 and 7P, in accordance with 30 TEX. ADMIN. CODE § 290.41.

e. Within 105 days after the effective date of this Agreed Order, submit written documentation as detailed in Ordering Provision No. 4.c. below, that demonstrates compliance with Ordering Provision Nos. 3.d.i. through 3.d.ii.

f. Within 180 days after the effective date of this Agreed Order:

i. Provide two or more wells that provide a total capacity of 0.6 gpm per connection, as required by 30 TEX. ADMIN. CODE § 290.45; and

ii. Provide a pressure tank capacity of 20 gallons per connection in the Rolling Hills Pressure Plane and City Pressure Plane, as required by 30 TEX. ADMIN. CODE § 290.45.

4. The City shall undertake the following technical requirements at the WQ Facility:

a. Within 30 days after the effective date of this Agreed Order, submit the annual monitoring reports for sludge for the monitoring period ending July 31, 2006 to:

Compliance Monitoring Team
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

b. Within 60 days after the effective date of this Agreed Order, achieve compliance with all permitted effluent limits as required by the TPDES Permit No. 10847-001.

c. Within 75 days after the effective date of this Agreed Order, submit written documentation, as detailed below, that demonstrates compliance with Ordering Provision Nos. 4.a and 4.b.:

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

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

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

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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

5. The provisions of this Agreed Order shall apply to and be binding upon the City.

6. If the City 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, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

7. 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.

8. 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.

9. 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.

10. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ 6/4/07
For the Executive Director Date

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 further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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.

Kit Marshall 1/25/07
Signature Date

KIT MARSHALL MAYOR
Name (Printed or typed) Title
Authorized Representative of
City of Aledo

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

Attachment A
Docket Number: 2006-1594-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	**City of Aledo**
Payable Penalty Amount:	**Seven Thousand Nine Hundred Forty-Four Dollars ($7,944)**
SEP Amount:	**Seven Thousand Nine Hundred Forty-Four Dollars ($7,944)**
Type of SEP:	**Pre-approved**
Third-Party Recipient:	**Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Wastewater Treatment Assistance**
Location of SEP:	**Parker County**

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide low income rural homeowners with assistance to enable the repair or replacement of their failing on-site wastewater systems. SEP monies will be used to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contamination from failing treatment systems

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive
Bryan, Texas 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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