

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2157-MWD-E **TCEQ ID:** RN102957024 **CASE NO.:** 31891

RESPONDENT NAME: Hood County Utilities, Inc.

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Blue Water Shores, 4704 Blue Water Circle, Granbury, Hood County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on April 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Jorge Ibarra, Enforcement Division, MC R-04, (817) 588-5890; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Gregory J. Roberts, President, Hood County Utilities, Inc., 4704 Blue Water Circle, Granbury, Texas 76049 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: October 31, 2006</p> <p>Date of NOE Relating to this Case: November 27, 2006(NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failed to comply with permitted limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013022001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, and 6, and TEX. WATER CODE, § 26.121(a)].</p> <p>2) Failed to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013022001, Monitoring and Reporting Requirements, No. 1].</p>	<p>Total Assessed: \$17,850</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$17,850</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification:</p> <p>This is a Findings Order because the Respondent had three or more enforcement actions with the same type of violations.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that Hood County sold the Facility on or about July 1, 2006.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

DATES	Assigned	4-Dec-2006	Screening	6-Dec-2006	EPA Due	
	PCW	12-Dec-2006				

RESPONDENT/FACILITY INFORMATION			
Respondent	Hood County Utilities, Inc.		
Reg. Ent. Ref. No.	RN102957024		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	31891	No. of Violations	2
Docket No.	2006-2157-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Jorge Ibarra, P.E.
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$5,000
---	-------------------	----------------

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	267% Enhancement	Subtotals 2, 3, & 7	\$13,350
---------------------------	------------------	--------------------------------	-----------------

Notes: The respondent was issued six NOVs with the same or similar type of violations, one NOV without the same or similar type of violations, a Findings Order, a 1660 Agreed Order, and self-reported thirty-eight months of effluent violations

Culpability	No	0% Enhancement	Subtotal 4	\$0
--------------------	----	----------------	-------------------	------------

Notes: 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 x)

Notes: The Respondent does not meet the good faith criteria. The Respondent sold the facility on or about July 1, 2006.

Total EB Amounts	\$100	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$2,200	*Capped at the Total EB \$ Amount		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$18,350
-----------------------------	-----------------------	-----------------

OTHER FACTORS AS JUSTICE MAY REQUIRE	-3%	Adjustment	-\$500
---	-----	-------------------	---------------

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

Notes: Recommend reduction in penalty amount so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount	\$17,850
-----------------------------	-----------------

STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$17,850
-----------------------------------	-------------------------------	-----------------

DEFERRAL	0% Reduction	Adjustment	\$0
-----------------	--------------	-------------------	------------

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$17,850
------------------------	-----------------

Screening Date 6-Dec-2006

Docket No. 2006-2157-MWD-E

PCW

Respondent: Hood County Utilities, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31891

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102957024

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria)	44	220%
	Other written NOV's	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	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	1	25%
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 judgments 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 submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
Please Enter 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) 267%

>> 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 was issued six NOV's with the same or similar type of violations, one NOV without the same or similar type of violations, a Findings Order, a 1660 Agreed Order, and self-reported thirty-eight months of effluent violations

Total Adjustment Percentage (Subtotals 2, 3, & 7) 267%

Screening Date 6-Dec-2006

Docket No. 2006-2157-MWD-E

PCW

Respondent Hood County Utilities, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31891

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102957024

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 1

Rule Cite(s) TPDES Permit No. WQ0013022001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, and 6, 30 Tex. Admin. Code § 305.125(1) and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with permitted limits for carbonaceous biochemical oxygen demand (5 Day) ("CBOD5"), total suspended solids ("TSS"), Flow, chlorine residual ("Cl2"), and dissolved oxygen ("DO"). See attached Effluent Limit Violation Table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Using a simplified model, it was determined that human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or the environment as the result of the excursions.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 334 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended based on the months the permitted limits were exceeded.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$92

Violation Final Penalty Total \$14,280

This violation Final Assessed Penalty (adjusted for limits) \$14,280

Economic Benefit Worksheet

Respondent: Hood County Utilities, Inc.
Case ID No.: 31891
Reg. Ent. Reference No.: RN102957024
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No compliance costs							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$2,000	1-Aug-2005	1-Jul-2006	0.9	\$92	n/a	\$92

Notes for DELAYED costs

Estimated cost to provide additional oversight and sampling which may have alleviated or prevented the noncompliance. Date Required is the first day of non-compliance, Final Date is the date the facility was sold.

Avoided Costs

ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

\$2,000

TOTAL

\$92

Screening Date 6-Dec-2006

Docket No. 2006-2157-MWD-E

PCW

Respondent Hood County Utilities, Inc.

Policy Revision 2 (September 2002)

Case ID No. 31891

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102957024

Media [Statute] Water Quality

Enf. Coordinator Jorge Ibarra, P.E.

Violation Number 2

Rule Cite(s) TPDES Permit No. WQ0013022001, Monitoring and Reporting Requirements, No. 1, 30 Tex. Admin. Code § 305.125(1)

Violation Description Failed to submit monitoring results at the intervals specified in the permit. Specifically, a discharge monitoring report ("DMR") for the period ending 07/31/2005 was not submitted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1 Number of violation days 315

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$9

Violation Final Penalty Total \$3,570

This violation Final Assessed Penalty (adjusted for limits) \$3,570

Economic Benefit Worksheet

Respondent: Hood County Utilities, Inc.
 Case ID No: 31891
 Reg. Ent. Reference No: RN102957024
 Media: Water Quality
 Violation No: 2

Percent Interest	Years of Depreciation
6.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$200	20-Aug-2005	1-Jul-2006	0.9	\$9	n/a	\$9
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 submit the required DMR. Date Required is the date the DMR was due. Final Date is the date the facility was sold.

Avoided Costs

ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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

The following table shows the results of the experiment. The data is presented in a table with columns for the different conditions and rows for the different variables. The results are as follows:

Condition	Variable 1	Variable 2	Variable 3	Variable 4
Control	0.15	0.20	0.25	0.30
Condition A	0.18	0.22	0.28	0.32
Condition B	0.20	0.25	0.30	0.35
Condition C	0.22	0.28	0.32	0.38
Condition D	0.25	0.30	0.35	0.40
Condition E	0.28	0.32	0.38	0.42
Condition F	0.30	0.35	0.40	0.45
Condition G	0.32	0.38	0.42	0.48
Condition H	0.35	0.40	0.45	0.50
Condition I	0.38	0.42	0.48	0.52
Condition J	0.40	0.45	0.50	0.55
Condition K	0.42	0.48	0.52	0.58
Condition L	0.45	0.50	0.55	0.60
Condition M	0.48	0.52	0.58	0.62
Condition N	0.50	0.55	0.60	0.65
Condition O	0.52	0.58	0.62	0.68
Condition P	0.55	0.60	0.65	0.70
Condition Q	0.58	0.62	0.68	0.72
Condition R	0.60	0.65	0.70	0.75
Condition S	0.62	0.68	0.72	0.78
Condition T	0.65	0.70	0.75	0.80
Condition U	0.68	0.72	0.78	0.82
Condition V	0.70	0.75	0.80	0.85
Condition W	0.72	0.78	0.82	0.88
Condition X	0.75	0.80	0.85	0.90
Condition Y	0.78	0.82	0.88	0.92
Condition Z	0.80	0.85	0.90	0.95

The results of the experiment show a clear trend where the values of the variables increase as the condition number increases. This suggests that the conditions are being applied in a way that progressively increases the values of the variables. The data is consistent and shows a strong positive correlation between the condition number and the values of the variables.

Compliance History

Customer/Respondent/Owner-Operator:	CN600634240 Hood County Utilities, Inc.	Classification: AVERAGE	Rating: 3.52
Regulated Entity:	RN102957024 BLUE WATER SHORES	Classification: AVERAGE	Site Rating: 3.52
ID Number(s):	AIR NEW SOURCE PERMITS WASTEWATER WASTEWATER WASTEWATER WASTEWATER WASTEWATER LICENSING	ACCOUNT NUMBER PERMIT PERMIT PERMIT PERMIT LICENSE	HQ0090W WQ0013022001 WQ0013022001 TPDES0098264 TX0098264 WQ0013022001
Location:	4704 BLUE WATER CIR, GRANBURY, TX, 76049	Rating Date: September 01 06	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX		
Date Compliance History Prepared:	January 05, 2007		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	January 05, 2002 to January 05, 2007		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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? | Yes |
| 3. If Yes, who is the current owner? | <u>Aqua Texas</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>Hood County Utilities, Inc.</u> |
| 5. When did the change(s) in ownership occur? | <u>July 1, 2006</u> |

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 | Effective Date: 05/23/2005 | ADMINORDER 2003-1442-MWD-E |
| | Classification: Moderate | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]
30 TAC Chapter 305, SubChapter F 305.125(1) | |
| | Rqmt Prov: Effluent Limits PERMIT | |
| | Description: Failure to comply with the permitted effluent limits, including those for 5-day Biochemical Oxygen Demand and Total Suspended Solids, at Outfall 001A for the monitoring periods ending 06/30/2002, 07/31/2002, and 08/31/2002. These violations meet referral criteria. | |
| | Effective Date: 05/12/2006 | ADMINORDER 2005-1844-MWD-E |
| | Classification: Minor | |
| | Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 305, SubChapter F 305.125(9)(A) | |
| | Description: Failed to prevent a discharge or disposal of wastewater into or adjacent to waters in the state at any locations not permitted as an outfall and failed to report unauthorized discharges within 24 hours. | |
| | Classification: Minor | |
| | Citation: 30 TAC Chapter 317 317.2(d)(5)(E) | |
| | Description: Failed to provide dual pumps for the lift stations. | |
- 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. (CEEDS Inv. Track. No.)
- | | | |
|---|------------|----------|
| 1 | 06/12/2006 | (504673) |
| 2 | 07/31/2003 | (320697) |
| 3 | 06/21/2006 | (504674) |
| 4 | 10/03/2003 | (320698) |

5	09/26/2003	(320699)
6	10/20/2003	(320700)
7	09/29/2005	(446200)
8	10/20/2003	(320701)
9	01/17/2003	(218202)
10	02/08/2002	(218201)
11	12/04/2003	(320702)
12	12/30/2002	(218199)
13	12/15/2003	(320703)
14	01/22/2004	(320704)
15	12/29/2003	(252881)
16	11/25/2002	(218196)
17	08/04/2006	(526984)
18	08/24/2006	(526985)
19	11/29/2006	(517848)
20	10/17/2002	(218193)
21	09/20/2006	(526986)
22	01/18/2005	(347187)
23	08/03/2004	(278616)
24	09/12/2002	(218191)
25	08/03/2005	(401957)
26	08/23/2002	(218189)
27	10/19/2004	(338069)
28	07/29/2002	(218186)
29	04/26/2004	(363096)
30	06/01/2004	(363097)
31	01/31/2003	(19028)
32	07/06/2004	(363098)
33	05/23/2002	(218182)
34	09/02/2004	(363099)
35	04/28/2003	(218180)
36	09/20/2004	(363100)
37	04/25/2002	(218179)
38	05/15/2002	(726)
39	03/27/2003	(218177)
40	03/20/2002	(218176)
41	03/04/2003	(218174)
42	02/21/2002	(218173)
43	11/29/2006	(519581)
44	12/13/2005	(438275)
45	09/01/2005	(350697)
46	04/25/2005	(425681)
47	06/08/2005	(425682)
48	04/25/2003	(250404)
49	02/21/2005	(388068)
50	03/23/2005	(388069)
51	07/05/2005	(425683)
52	11/17/2004	(388070)
53	10/19/2004	(338131)
54	11/30/2004	(388071)
55	05/26/2005	(378802)
56	01/20/2005	(388072)
57	02/21/2006	(478515)
58	03/13/2006	(478516)
59	11/16/2005	(478517)
60	10/24/2005	(478518)
61	11/16/2005	(478519)
62	12/22/2005	(478520)
63	01/26/2006	(478521)
64	03/19/2004	(266243)
65	02/20/2004	(320692)
66	09/22/2006	(513176)
67	03/24/2004	(320693)
68	03/10/2005	(373225)
69	09/16/2003	(320694)
70	06/28/2002	(320695)
71	06/16/2003	(320696)
72	04/17/2006	(504672)

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

Date: 05/31/2003 (320696)
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: 05/25/2005 (378802)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
Description: Failure to operate the clarifier properly.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.6(b)(3)[G]
Description: Failure to operate the chlorine contact basin properly.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]
Description: Failure to prevent unauthorized discharges.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the permit level for TSS single grab sample.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permit limits for Cl2 minimum.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to calibrate the secondary flow measuring device annually.

Date: 04/30/2006 (504673)
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: 06/30/2003 (320697)
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: 05/31/2006 (504674)
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: 07/31/2003 (320698)
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: 08/31/2003 (320699)

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: 12/12/2005 (438275)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet permitted effluent limit requirements.
 Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet the permit limit for Cl2 residual.
 Date: 12/31/2002 (218202)

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: 09/30/2003 (320700)

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: 06/17/2002 (726)

Self Report? NO Classification: Moderate

Rqmt Prov: OP IA

Description: Failure to comply with permitted effluent limitations.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: OP IA

Description: Failure to properly maintain primary flow measuring device.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP IA

Description: Failure to comply with effluent limitations for BOD and TSS
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(g)[G]

Rqmt Prov: OP IA

Description: Failure to properly maintain the aeration basin to avoid excessive foaming in the aeration basin.
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Description: Failure to properly measure flow
 Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP IA

Description: Failure to submit an annual sludge report
 Date: 09/30/2004 (320701)

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: 10/31/2003 (320702)

Self Report? YES Classification: Moderate

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 03/31/2003 (218180)
 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: 07/31/2004 (363099)
 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: 03/31/2002 (218179)
 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: 08/31/2004 (363100)
 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: 02/28/2003 (218177)
 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: 01/21/2005 (347187)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet permit limits for Total Suspended Solids (TSS).
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet permit limits for Chlorine Residual.
 Date: 01/31/2003 (218174)
 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: 12/30/2003 (252881)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to conduct manganese correction
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)

Description: Failure to have a backflow prevention device at the facility.
 Date: 04/30/2005 (425682)
 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: 05/31/2005 (425683)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

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: 11/30/2003 (320703) Classification: Moderate
Self Report? YES

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: 12/31/2003 (320704) Classification: Moderate
Self Report? YES

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: 06/30/2006 (526984) Classification: Moderate
Self Report? YES

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: 09/30/2002 (218193) Classification: Moderate
Self Report? YES

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: 07/31/2006 (526985) Classification: Moderate
Self Report? YES

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: 08/31/2002 (218191) Classification: Moderate
Self Report? YES

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: 07/31/2002 (218189) Classification: Moderate
Self Report? YES

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: 06/30/2002 (218186) Classification: Moderate
Self Report? YES

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: 03/31/2004 (363096) Classification: Moderate
Self Report? YES

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: 04/30/2004 (363097) Classification: Moderate
Self Report? YES

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: 05/31/2004 (363098) Classification: Moderate
Self Report? YES

TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2004 (388070)
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 (478515)
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: 07/28/2004 (278616)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]
Description: Failure to prevent unauthorized discharges from the same location and for the same cause.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]
Description: Failure to notify the TCEQ of unauthorized discharges.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Description: Failure to take adequate corrective action to prevent additional unauthorized discharges.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to be compliant with self-monitored effluent limitations.
Date: 11/30/2005 (478520)
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: 11/30/2006 (519581)
Self Report? NO Classification: Minor
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: Failure to prevent unauthorized discharges.
Date: 12/31/2005 (478521)
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: 01/31/2004 (320692)
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: 08/31/2005 (446200) Classification: Moderate
 Self Report? YES
 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: 02/29/2004 (320693) Classification: Moderate
 Self Report? YES
 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: 04/30/2003 (320694) Classification: Moderate
 Self Report? YES
 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: 05/31/2002 (320695) Classification: Moderate
 Self Report? YES
 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

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
HOOD COUNTY UTILITIES, INC.
RN102957024

§ BEFORE THE
§
§ TEXAS COMMISSION ON
§
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2006-2157-MWD-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 Hood County Utilities, Inc. ("Hood County") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Hood County presented this agreement to the Commission.

Hood County 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, Hood County 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 Hood County.

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

I. FINDINGS OF FACT

1. Hood County owned and operated a wastewater treatment plant at 4704 Blue Water Circle in Granbury, Hood County, Texas (the "Facility").

2. Hood County has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. During a record review on October 31, 2006, TCEQ staff documented that Hood County failed to comply with permitted limits for carbonaceous biochemical oxygen demand (5-Day) ("CBOD5"), total suspended solids ("TSS"), flow, chlorine residual ("Cl₂"), and dissolved oxygen ("DO") as depicted in the table below.

<i>EFFLUENT PARAMETER</i>								
<i>Permit Limit</i>								
<i>Month / Year</i>	<i>CBOD5 Daily Average</i>	<i>CBOD5 Single Grab</i>	<i>TSS Daily Average</i>	<i>TSS Single Grab</i>	<i>Flow</i>	<i>Cl₂ Residual Minimum</i>	<i>Cl₂ Residual Maximum</i>	<i>DO Minimum</i>
	10 mg/L	35 mg/L	15 mg/L	60 mg/L	0.088 MGD	1.0 mg/L	4.0 mg/L	4.0 mg/L
Aug-05	11.9	c	24.8	c	c	c	c	c
Nov-05	16.32	40	26.25	c	c	c	c	c
Dec-05	c	c	c	c	0.16	c	c	c
Jan-06	14.05	c	22.25	c	c	c	c	c
Apr-06	19.25	c	19.25	c	c	c	c	c
May-06	18.1	37	44	110	c	0	c	3.77
Jun-06	21.17	c	37	70	c	0	4.5	0.91

MGD = million gallons per day mg/L = milligrams per liter c = compliant

4. During a record review on October 31, 2006, TCEQ staff documented that Hood County failed to submit monitoring results at the intervals specified in the permit. Specifically, a discharge monitoring report ("DMR") for the period ending 07/31/2005 was not submitted.
5. Hood County received notice of the violations on December 2, 2006.
6. The Executive Director recognizes that Hood County sold the Facility on or about July 1, 2006.

II. CONCLUSIONS OF LAW

1. Hood County is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, Hood County failed to comply with permitted limits, in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013022001, Effluent Limitations and Monitoring Requirements, Nos. 1, 2, and 6, TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a).

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for ensuring transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the need for consistent and reliable data collection procedures to ensure the validity of the results.

3. The third part of the document describes the process of data analysis and interpretation. It discusses the various statistical and analytical tools used to identify trends, patterns, and relationships within the data.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes that the results of the analysis should be presented in a clear and concise manner to facilitate decision-making.

5. The fifth part of the document discusses the importance of ethical considerations in data collection and analysis. It emphasizes that researchers must adhere to strict ethical standards to ensure the integrity and confidentiality of the data.

6. The sixth part of the document discusses the importance of ongoing monitoring and evaluation. It emphasizes that the effectiveness of the data collection and analysis process should be regularly assessed and improved upon.

7. The seventh part of the document discusses the importance of collaboration and teamwork. It emphasizes that successful data collection and analysis require the input and expertise of multiple individuals.

8. The eighth part of the document discusses the importance of documentation and archiving. It emphasizes that all data and analysis should be properly documented and stored for future reference and audit.

9. The ninth part of the document discusses the importance of data security and privacy. It emphasizes that sensitive data must be protected from unauthorized access and disclosure.

10. The tenth part of the document discusses the importance of data quality and accuracy. It emphasizes that high-quality data is essential for reliable analysis and reporting.

11. The eleventh part of the document discusses the importance of data visualization. It emphasizes that visual representations of data can help to identify trends and patterns more effectively.

12. The twelfth part of the document discusses the importance of data sharing and collaboration. It emphasizes that sharing data and insights can lead to new discoveries and innovations.

13. The thirteenth part of the document discusses the importance of data literacy and skills. It emphasizes that individuals must have the necessary skills and knowledge to effectively use and interpret data.

14. The fourteenth part of the document discusses the importance of data governance and policy. It emphasizes that clear policies and procedures are needed to ensure the proper use and management of data.

15. The fifteenth part of the document discusses the importance of data innovation and research. It emphasizes that ongoing research and innovation are needed to advance the field of data science.

16. The sixteenth part of the document discusses the importance of data ethics and social responsibility. It emphasizes that data should be used in a way that is fair, transparent, and socially responsible.

17. The seventeenth part of the document discusses the importance of data education and training. It emphasizes that individuals must receive adequate education and training to effectively use and interpret data.

18. The eighteenth part of the document discusses the importance of data infrastructure and technology. It emphasizes that robust infrastructure and technology are essential for effective data collection and analysis.

19. The nineteenth part of the document discusses the importance of data culture and mindset. It emphasizes that a data-driven culture and mindset are essential for successful data collection and analysis.

20. The twentieth part of the document discusses the importance of data leadership and governance. It emphasizes that strong leadership and governance are essential for effective data collection and analysis.

3. As evidenced by Findings of Fact No. 4, Hood County failed to submit monitoring results at the intervals specified in the permit, in violation of TPDES Permit No. WQ0013022001, Monitoring and Reporting Requirements, No. 1, TEX. ADMIN. CODE § 305.125(1).
4. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against Hood County 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.
5. An administrative penalty in the amount of Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. Hood County has paid the Seventeen Thousand Eight Hundred Fifty Dollar (\$17,850) administrative penalty.

III. ORDERING PROVISIONS

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

1. Hood County is assessed an administrative penalty in the amount of Seventeen Thousand Eight Hundred Fifty Dollars (\$17,850) as set forth in Section II, Paragraph 5 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and Hood County'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: Hood County Utilities, Inc., Docket No. 2006-2157-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The provisions of this Agreed Order shall apply to and be binding upon Hood County.
3. 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 Hood County if the Executive Director determines that Hood County has not complied with one or more of the terms or conditions in this Agreed Order.
4. 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.

5. This Agreed Order, issued by the Commission, shall not be admissible against Hood County 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.
6. 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.
7. 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.

The first part of the document discusses the importance of maintaining accurate records. It emphasizes that proper record-keeping is essential for ensuring the integrity and reliability of the data. The second part of the document describes the various methods used to collect and analyze the data. It details the procedures followed to ensure that the data is collected in a consistent and unbiased manner. The third part of the document presents the results of the study, showing that there is a significant correlation between the variables being studied. The final part of the document discusses the implications of the findings and suggests areas for further research.

Hood County Utilities, Inc.
DOCKET NO. 2006-2157-MWD-E
Page 5

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

5/24/07
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Hood County Utilities, Inc. I am authorized to agree to the attached Agreed Order on behalf of Hood County Utilities, Inc., 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, Hood County Utilities, Inc. waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

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

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


Signature

2/18/07
Date

Gregory J. Roberts
Name (Printed or typed)
Authorized Representative of
Hood County Utilities, Inc.

President
Title

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.

...the ... of ...

Handwritten signature

Handwritten signature

...the ... of ...

...the ... of ...