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**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.: 2007-1051-PWS-E TCEQ ID: RN101376283 CASE NO.: 34101**  
**RESPONDENT NAME: Monarch Utilities I L.P.**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input 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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input 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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Metroplex Homesteads Water Supply, 9218 Gina Lane, Johnson County</p> <p><b>TYPE OF OPERATION:</b> Public water supply</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 5, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4033; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> Mr. David Yohe, Regional Regulatory Compliance Manager, Monarch Utilities I L.P., 9511 Ranch Road 620 North, Austin, Texas 78726-2908  Mr. Bill Jasura, Vice President, Monarch Utilities I L.P., 9511 Ranch Road 620 North, Austin, Texas 78726-2908  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input checked="" type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 23, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 18, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation.</p> <p><b>WATER</b></p> <p>1) Failed to provide a pressure tank capacity of 20 gallons per connection for pressure planes two, three, and five [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iv) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p> <p>2) Failed to house the hypochlorination solution containers at plants 1, 2, 3, 4, and 5 in secure enclosures to protect them from adverse weather conditions and vandalism [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p> <p>3) Failed to provide an intruder-resistant fence to protect plant 2 [30 TEX. ADMIN. CODE § 290.41(c)(3)(O)].</p> <p>4) Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>5) Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection for pressure plane two [30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH &amp; SAFETY CODE § 341.0315(c)].</p>	<p><b>Total Assessed:</b> \$2,835</p> <p><b>Total Deferred:</b> \$567  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$2,268</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the Respondent implemented the following corrective measures at the Facility:</p> <p>a. Submitted photographs on May 31, 2007, demonstrating that the leaking sight glass valve on plant 4’s pressure tank has been repaired; and</p> <p>b. Submitted photographs on June 27, 2007, demonstrating that the gap in the gate at plant 2 was repaired.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order, secure the hypochlorination solution containers at plants 1 through 5, in an enclosure that protects them from vandalism and adverse weather conditions; and</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.</p> <p>c. Within 90 days after the effective date of this Agreed Order:</p> <p>i. Provide a pressure tank capacity of 20 gallons per connection for pressure planes two, three, and five; and</p> <p>ii. Provide a service pump capacity of 2.0 gpm for pressure plane two.</p> <p>d. Within 105 days after the effective date of this Agreed Order, submit written certification and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

<b>DATES</b>	Assigned	11-Jun-2007	Screening	20-Jun-2007	EPA Due	
	PCW	20-Jun-2007				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	Monarch Utilities I L.P.		
Reg. Ent. Ref. No.	RN101376283		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Major

<b>CASE INFORMATION</b>			
Enf./Case ID No.	34101	No. of Violations	6
Docket No.	2007-1051-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Epifanio Villarreal
Multi-Media		EC's Team	EnforcementTeam 2
Admin. Penalty \$	Limit Minimum	\$50	Maximum
			\$1,000

## Penalty Calculation Section

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

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** Subtotals 2, 3, & 7

Notes: The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

**Culpability** Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

**Good Faith Effort to Comply** Subtotal 5

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

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

**0% Enhancement\*** Subtotal 6   
 \*Capped at the Total EB \$ Amount

Total EB Amounts	\$1,344
Approx. Cost of Compliance	\$23,300

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

**OTHER FACTORS AS JUSTICE MAY REQUIRE** Adjustment

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

Notes:

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** Final Assessed Penalty

**DEFERRAL** Adjustment

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

Notes: Deferral offered for expedited settlement.

**PAYABLE PENALTY**

**Screening Date** 20-Jun-2007

**Docket No.** 2007-1051-PWS-E

**PCW**

**Respondent** Monarch Utilities I L.P.

Policy Revision 2 (September 2002)

**Case ID No.** 34101

PCW Revision May 25, 2007

**Reg. Ent. Reference No.** RN101376283

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

### Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were submitted</i> )	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
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)** 5%

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

N/A

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

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

Average Performer

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

>> **Compliance History Summary**

**Compliance History Notes**

The penalty enhancement is due to one prior Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

<b>Screening Date</b> 20-Jun-2007	<b>Docket No.</b> 2007-1051-PWS-E	<b>PCW</b>
<b>Respondent</b> Monarch Utilities I L.P.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34101	<i>PCW Revision May 25, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101376283		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> <input type="text" value="1"/>		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)	
<b>Violation Description</b>	Failed to provide a pressure tank capacity of 20 gallons per connection for pressure planes two and three. Specifically, based on the number of connections for each pressure plane, the system should provide minimum pressure tank capacities of 6,560 gallons for pressure plane two's 328 connections and 4,720 gallons for pressure plane three's 236 connections. However, the system only provided 5,000 gallons for pressure plane two and 2,800 gallons for pressure plane three, which are 24% and 41% deficient.	
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>

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

<b>OR</b>	<b>Harm</b>				
		Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="25%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	Without sufficient pressure tank capacity, customers of the water system could experience low pressure and water outages, and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.				
<b>Adjustment</b>					<input type="text" value="\$750"/>

**Violation Events**

Number of Violation Events <input type="text" value="2"/>	<input type="text" value="28"/>	Number of violation days
mark only one with an x daily <input type="text"/> monthly <input type="text"/> quarterly <input checked="" type="text" value="x"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$500"/>	

Two quarterly events are recommended (one for each plane) from the date of the investigation, May 23, 2007, to the date of screening, June 20, 2007.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
Estimated EB Amount <input type="text" value="\$602"/>	Violation Final Penalty Total <input type="text" value="\$525"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$525"/>	

## Economic Benefit Worksheet

**Respondent** Monarch Utilities I L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment	\$10,000	23-May-2007	1-Apr-2008	0.9	\$29	\$574	\$602
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**  
 The delayed cost includes the amount to increase the pressure tank capacity to a minimum of 20 gallons per connection for pressure planes two and three, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	<b>\$10,000</b>	<b>TOTAL</b>	<b>\$602</b>
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**Screening Date** 20-Jun-2007

**Docket No.** 2007-1051-PWS-E

**PCW**

**Respondent** Monarch Utilities I L.P.

*Policy Revision 2 (September 2002)*

**Case ID No.** 34101

*PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN101376283

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 2

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(D)(iv) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to provide a pressure tank capacity of 20 gallons per connection for pressure plane five. Specifically, based on the number of connections, the system should provide minimum pressure tank capacity of 7,560 gallons for pressure plane five's 378 connections. However, the system only provided 7,500 gallons for pressure plane five, which is 1% deficient.

**Base Penalty** \$1,000

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

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual					10%
Potential			x		

>> **Programmatic Matrix**

Matrix Notes	Falsification	Major	Moderate	Minor	Percent

Without sufficient pressure tank capacity, customers of the water system could experience low pressure and water outages, and the system's ability to provide a safe and adequate supply of water to the customers could be impaired.

**Adjustment** \$900

\$100

**Violation Events**

Number of Violation Events: 1      28      Number of violation days

<i>mark only one with an x</i>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

**Violation Base Penalty** \$100

One single event is recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$301

**Violation Final Penalty Total** \$105

**This violation Final Assessed Penalty (adjusted for limits)** \$105

## Economic Benefit Worksheet

**Respondent** Monarch Utilities I L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 2

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

Equipment	\$5,000	23-May-2007	1-Apr-2008	0.9	\$14	\$287	\$301
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

The delayed cost includes the amount to increase the pressure tank capacity to a minimum of 20 gallons per connection for pressure plane five, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$301



<b>Screening Date</b> 20-Jun-2007	<b>Docket No.</b> 2007-1051-PWS-E	<b>PCW</b>		
<b>Respondent</b> Monarch Utilities I L.P.	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.</b> 34101	<i>PCW Revision May 25, 2007</i>			
<b>Reg. Ent. Reference No.</b> RN101376283				
<b>Media [Statute]</b> Public Water Supply				
<b>Enf. Coordinator</b> Epifanio Villarreal				
<b>Violation Number</b> <input type="text" value="3"/>				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.42(e)(5)			
<b>Violation Description</b>	Failed to house the hypochlorination solution containers at plants 1, 2, 3, 4, and 5 in secure enclosures to protect them from adverse weather conditions and vandalism.			
<b>Base Penalty</b>		<input type="text" value="\$1,000"/>		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	<b>Harm</b>			
	<b>Release</b>	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	x	<input type="text"/>	
		<b>Percent</b>	<input type="text" value="25%"/>	
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
		<b>Percent</b>	<input type="text" value="0%"/>	
<b>Matrix Notes</b>	Without proper housing and containment for chemicals and equipment, employees and customers of the water supply could be exposed to significant amounts of contaminants, which would not exceed levels that are protective of human health.			
		<b>Adjustment</b>	<input type="text" value="\$750"/>	
		<input type="text" value="\$250"/>		
<b>Violation Events</b>				
Number of Violation Events		<input type="text" value="5"/>	Number of violation days	
		<input type="text" value="28"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
		<b>Violation Base Penalty</b>	<input type="text" value="\$1,250"/>	
Five quarterly events are recommended (one for each plant) from the date of the investigation, May 23, 2007, to the date of screening, June 20, 2007.				
<b>Economic Benefit (EB) for this violation</b>			<b>Statutory Limit Test</b>	
Estimated EB Amount		<input type="text" value="\$136"/>	Violation Final Penalty Total	
		<input type="text" value="\$1,313"/>		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>			<input type="text" value="\$1,313"/>	

### Economic Benefit Worksheet

**Respondent** Monarch Utilities I L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 3

<b>Percent Interest</b>	<b>Years of Depreciation</b>
5.0	15

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

**Delayed Costs**

Equipment				0.0	\$0	\$0	\$0
Buildings	\$2,500	23-May-2007	1-Mar-2008	0.8	\$6	\$129	\$136
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

The delayed cost includes the amount to properly house the hypochlorination solution containers, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,500

TOTAL

\$136

<b>Screening Date</b> 20-Jun-2007	<b>Docket No.</b> 2007-1051-PWS-E	<b>PCW</b>
<b>Respondent</b> Monarch Utilities I L.P.	<i>Policy Revision 2 (September 2002)</i>	
<b>Case ID No.</b> 34101	<i>PCW Revision May 25, 2007</i>	
<b>Reg. Ent. Reference No.</b> RN101376283		
<b>Media [Statute]</b> Public Water Supply		
<b>Enf. Coordinator</b> Epifanio Villarreal		
<b>Violation Number</b> 4		
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 290.41(c)(3)(O)	
<b>Violation Description</b>	Failed to provide an intruder-resistant fence to protect plant 2. Specifically, at the time of the investigation, the investigator observed a large gap in the gate at plant 2.	
<b>Base Penalty</b>		\$1,000

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

OR	<b>Harm</b>				
	<b>Release</b>	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	x	<b>Percent</b> <input type="text" value="10%"/>

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>

**Matrix Notes**

Not providing proper intruder resistant protection for the water well could expose the public to a insignificant amount of pollutants which would not exceed levels that are protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events        Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>	
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	x	

**Violation Base Penalty**

One single event is recommended.

<b>Economic Benefit (EB) for this violation</b>	<b>Statutory Limit Test</b>
<b>Estimated EB Amount</b> <input type="text" value="\$3"/>	<b>Violation Final Penalty Total</b> <input type="text" value="\$105"/>
<b>This violation Final Assessed Penalty (adjusted for limits)</b> <input type="text" value="\$105"/>	

### Economic Benefit Worksheet

**Respondent** Monarch Utilities I L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	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)	\$500	23-May-2007	27-Jun-2007	0.1	\$0	\$3	\$3
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 costs to repair the gap in the gate at plant 2, calculated from the date of the investigation to the 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: **\$500**      TOTAL: **\$3**

**Screening Date** 20-Jun-2007

**Docket No.** 2007-1051-PWS-E

**PCW**

**Respondent** Monarch Utilities I L.P.

*Policy Revision 2 (September 2002)*

**Case ID No.** 34101

*PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN101376283

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

**Violation Number**

**Rule Cite(s)**

**Violation Description**

Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, plant 4's sight glass valve, located on the pressure tank, was leaking.

**Base Penalty**

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>

**Matrix Notes**

Failure to maintain the water system in a watertight condition, could allow contaminants to enter the water system which would not exceed levels protective of human health.

**Adjustment**

**Violation Events**

Number of Violation Events   Number of violation days

*mark only one with an x*

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input checked="" type="text" value="x"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

**Violation Base Penalty**

One quarterly event is recommended from the date of the investigation, May 23, 2007 to the date of compliance, May 31, 2007.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

## Economic Benefit Worksheet

**Respondent** Monarch Utilities I.L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 5

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)	\$300	23-May-2007	31-May-2007	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** The delayed cost includes the amount to repair the leak, calculated from the date of the investigation to the 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 \$300

**TOTAL** \$0

**Screening Date** 20-Jun-2007

**Docket No.** 2007-1051-PWS-E

**PCW**

**Respondent** Monarch Utilities I L.P.

*Policy Revision 2 (September 2002)*

**Case ID No.** 34101

*PCW Revision May 25, 2007*

**Reg. Ent. Reference No.** RN101376283

**Media [Statute]** Public Water Supply

**Enf. Coordinator** Epifanio Villarreal

**Violation Number** 6

**Rule Cite(s)** 30 Tex. Admin. Code § 290.45(b)(1)(D)(iii) and Tex. Health & Safety Code § 341.0315(c)

**Violation Description**

Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute ("gpm") per connection for pressure plane two. Specifically, at the time of the investigation, the investigator noted that that the system is required to have a minimum of 656 gpm of service pump capacity for 328 connections but only provided 300 gpm for pressure plane two, which is 54% deficient.

**Base Penalty** \$1,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				50%
Potential	x			

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

Without sufficient total capacity, customers of the water supply could possibly experience water outages and the system's ability to provide a safe and adequate water supply could be impaired.

**Adjustment** \$500

\$500

Violation Events

Number of Violation Events: 1      28 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

**Violation Base Penalty** \$500

One monthly event is recommended from the date of the investigation, May 23, 2007, to the date of screening, June 20, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$301

Violation Final Penalty Total \$525

**This violation Final Assessed Penalty (adjusted for limits)** \$525

### Economic Benefit Worksheet

**Respondent** Monarch Utilities I.L.P.  
**Case ID No.** 34101  
**Reg. Ent. Reference No.** RN101376283  
**Media** Public Water Supply  
**Violation No.** 6

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$5,000	23-May-2007	1-Apr-2008	0.9	\$14	\$287	\$301
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

The delayed cost includes the amount to increase the service pump capacity to 2.0 gpm per connection for pressure plane two, calculated from the date of the investigation to the estimated date of compliance.

**Avoided Costs**

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$301



# Compliance History

Customer/Respondent/Owner-Operator:	CN602740706	Monarch Utilities I L.P.	Classification: AVERAGE	Rating: 1.95
Regulated Entity:	RN101376283	METROPLEX HOMESTEADS WATER SUPPLY	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY WATER LICENSING	REGISTRATION LICENSE		1260074 1260074
Location:	9218 GINA LN, JOHNSON COUNTY, TX			
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	June 20, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	June 20, 2002 to June 20, 2007			

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

Name: Epifanio Villarreal Phone: (210) 403-4033

## 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?   | MONARCH UTILITIES I L.P. |
| 4. If Yes, who was/were the prior owner(s)?  | TECON WATER COMPANY      |
| 5. When did the change(s) in ownership occur?  | July 30, 2004            |

### 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.)

12/09/2004	(337587)
06/28/2005	(395688)
06/15/2006	(462591)
06/05/2007	(562258)

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

Date: 12/03/2004 (337587)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(5)

Description: Failure to locate or design the position of the inlet connections on the ground storage tanks to prevent short circuiting or stagnation of water. The inlets on the ground storage tanks located at pump stations #1, 3, 4, & 5 must be connected so as to prevent the stagnation of water within the tanks.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(i)  
Description: Failure to provide two or more wells having a total capacity of 0.6 gallons per minute per connection.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iv)  
Description: Failure to provide pressure capacity of 20 gallons per connection (maximum capacity of 30,000 gallons for up to 2500 connections) for Pressure Plane #2, #3 and #5.

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(D)(iii)  
Description: Failure to provide a service pump capacity of at least 2.0 gallons per minute per connection.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)  
Description: Failure to provide the ground storage tank at pump station #5 with a properly designed overflow pipe.

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  
MONARCH UTILITIES I L.P.  
RN101376283**

§  
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§  
§

**BEFORE THE  
  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1051-PWS-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 Monarch Utilities I L.P. ("Monarch Utilities") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and Monarch Utilities appear before the Commission and together stipulate that:

1. Monarch Utilities owns and operates a public water supply at 9218 Gina Lane in Johnson County, Texas (the "Facility") that has approximately 1,058 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and Monarch Utilities agree that the Commission has jurisdiction to enter this Agreed Order, and that Monarch Utilities is subject to the Commission's jurisdiction.
3. Monarch Utilities received notice of the violations alleged in Section II ("Allegations") on or about June 23, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Monarch Utilities of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Eight Hundred Thirty-Five Dollars (\$2,835) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Monarch Utilities has paid Two Thousand Two Hundred Sixty-Eight Dollars (\$2,268) of the administrative penalty and Five Hundred Sixty-Seven Dollars (\$567) is deferred contingent upon Monarch Utilities' 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 Monarch Utilities fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Monarch Utilities to pay all or part of the deferred penalty.

6. 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.
7. The Executive Director of the TCEQ and Monarch Utilities have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director recognizes that Monarch Utilities implemented the following corrective measures at the Facility:
  - a. Submitted photographs on May 31, 2007, demonstrating that the leaking sight glass valve on plant 4's pressure tank has been repaired; and
  - b. Submitted photographs on June 27, 2007, demonstrating that the gap in the gate at plant 2 was repaired.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Monarch Utilities has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

As owner and operator of the Facility, Monarch Utilities is alleged to have:

1. Failed to provide a pressure tank capacity of 20 gallons per connection for pressure planes two, three, and five, 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 May 23, 2007.
2. Failed to house the hypochlorination solution containers at plants 1, 2, 3, 4, and 5 in secure enclosures to protect them from adverse weather conditions and vandalism, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on May 23, 2007.
3. Failed to provide an intruder-resistant fence to protect plant 2, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(O), as documented during an investigation conducted on May 23, 2007.



4. Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4), as documented during an investigation conducted on May 23, 2007.
5. Failed to provide two or more service pumps having a total capacity of 2.0 gallons per minute (“gpm”) per connection for pressure plane two, in violation of 30 TEX. ADMIN. CODE § 290.45(b)(1)(D)(iii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented during an investigation conducted on May 23, 2007.

### III. DENIALS

Monarch Utilities generally denies each allegation in Section II ("Allegations").

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Monarch Utilities pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and Monarch Utilities' 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: Monarch Utilities I L.P., Docket No. 2007-1051-PWS-E" to:

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

2. It is further ordered that Monarch Utilities shall undertake the following technical requirements:
  - a. Within 60 days after the effective date of this Agreed Order, secure the hypochlorination solution containers at plants 1 through 5, in an enclosure that protects them from vandalism and adverse weather conditions, in accordance with 30 TEX. ADMIN. CODE § 290.42.
  - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below in Ordering Provision 2.d., and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.a.
  - c. Within 90 days after the effective date of this Agreed Order:
    - i. Provide a pressure tank capacity of 20 gallons per connection for pressure planes two, three, and five, in accordance with 30 TEX. ADMIN. CODE § 290.45.





- ii. Provide a service pump capacity of 2.0 gpm for pressure plane two, in accordance with 30 TEX. ADMIN. CODE § 290.45.
  
- d. Within 105 days after the effective date of this Agreed Order, submit written certification as described below, and include supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision 2.c. 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."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon Monarch Utilities. Monarch Utilities is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
  
- 4. 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 Monarch Utilities shall be made in writing to the Executive Director. Extensions are not effective until Monarch Utilities receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
  
- 5. This Agreed Order, issued by the Commission, shall not be admissible against Monarch Utilities 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.



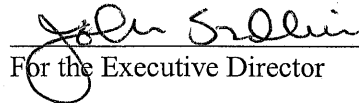
6. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
7. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Monarch Utilities, or three days after the date on which the Commission mails notice of the Order to Monarch Utilities, 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

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

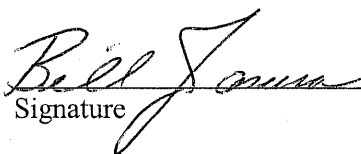
11/16/2007  
Date

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

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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

  
\_\_\_\_\_  
Signature

9-6-07  
Date

Bill JASURA  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
Monarch Utilities I L.P.

Vice 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.

