

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0179-MWD-E **TCEQ ID:** RN102915469 **CASE NO.:** 32570

RESPONDENT NAME: Randolph Water Supply Corporation

ORDER TYPE:		
<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	
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: Randolph WSC, located on Farm-to-Market Road 896, one half mile south of State Highway Business 121, Fannin County</p> <p>TYPE OF OPERATION: Wastewater treatment</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 October 22, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Sidney Wheeler, Enforcement Division, Enforcement Team 4, MC R-13, (210) 403-4078; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Maurice Reeves, President, Randolph Water Supply Corporation, P.O. Box 24, Randolph, Texas 75475 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 8, 2006</p> <p>Date of NOV/NOE Relating to this Case: December 29, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11343001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to provide noncompliance notification reports for effluent limit violations. Specifically, notification reports were not provided for the Biochemical Oxygen Demand and Total Suspended Solids daily average concentration limit violations for September 2005 through November 2005 that exceeded the permit limits by more than 40 percent [30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 11343001, Monitoring and Reporting Requirements No. 7.c.].</p> <p>3) Failed to submit timely annual sludge reports for the monitoring periods ending on July 31, 2005 and July 31, 2006 by September 1 of each year [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 11343001, Monitoring and Reporting Requirement No. 1 and Sludge Provisions].</p> <p>4) Failed to maintain a permit for the operation of the Facility. Specifically,</p>	<p>Total Assessed: \$41,410</p> <p>Total Deferred: \$29,659 <input checked="" type="checkbox"/> Expedited Settlement (\$8,282) <input checked="" type="checkbox"/> Financial Inability to Pay (21,377)</p> <p>SEP Conditional Offset: \$0</p> <p>Total Due to General Revenue: \$11,751 (The Respondent has paid \$103; the remaining \$11,648 due in 23 monthly payments of \$100 each and 12 monthly payments of \$779 each)</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by Randolph WSC and determined that Randolph WSC is unable to pay part of the administrative penalty</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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that Randolph WSC has implemented the following corrective measures at the Facility:</p> <p>a. On October 17, 2006, submitted a new permit application for authorization to operate and discharge from the Facility; and</p> <p>b. On November 11, 2006, submitted annual sludge reports for the monitoring periods ending on July 31, 2005 and July 31, 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require Randolph WSC to:</p> <p>a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. 11343001;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;</p> <p>c. Within 30 days after the effective date of this Agreed Order, submit noncompliance notification reports for effluent noncompliances that exceeded the permit limits by more than 40 percent during September, October, and November 2005;</p> <p>d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. through 2.c., as described below in Ordering Provision No. 2.f.;</p> <p>e. Within 60 days after the effective date of this Agreed Order, submit an</p>

<p>Randolph WSC allowed TPDES Permit No. 11343001 to expire on December 1, 2005 and continued to operate and discharge from the Facility [30 TEX. ADMIN. CODE § 305.125(2) and TEX. WATER CODE § 26.121(a)].</p>		<p>engineering evaluation of the existing hydraulic and organic capacity and the structural integrity of the facilities to determine the ability of the facilities to ensure compliance with current permit limits. This assessment shall be conducted by a Texas registered professional engineer and shall include a plan and schedule to implement necessary repairs and/or maintenance work to be completed within 180 days after the effective date of this Agreed Order; and</p> <p>f. Within 300 days after the effective date of this Agreed Order, submit written certification that authorization to operate has been obtained and compliance with effluent limits for the TPDES permit have been achieved or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>
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Additional ID No(s): TPDES Permit No. 11343-001, WQ0011343001

THE UNIVERSITY OF CHICAGO
DEPARTMENT OF THE HISTORY OF ARTS
AND ARCHITECTURE
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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision December 8, 2006

DATES	Assigned	3-Jan-2007	Screening	23-Jan-2007	EPA Due	
	PCW	20-Feb-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	Randolph Water Supply Corporation		
Reg. Ent. Ref. No.	RN102915469		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	32570	No. of Violations	4	
Docket No.	2007-0179-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Catherine Albrecht	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

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

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

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

Notes

0% Enhancement* Subtotal 6

Total EB Amounts	\$9,530
Approx. Cost of Compliance	\$50,400

*Capped at the Total EB \$ Amount

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

PAYABLE PENALTY

Screening Date 23-Jan-2007

Docket No. 2007-0179-MWD-E

PCW

Respondent Randolph Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32570

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915469

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	22	110%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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%
<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) 110%

>> 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 has four NOVs for same or similar violations and 18 self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 110%

Screening Date 23-Jan-2007

Docket No. 2007-0179-MWD-E

PCW

Respondent Randolph Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32570

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915469

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11343001, Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)

Violation Description Failed to comply with the permitted effluent limits. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate the effects of contaminants on human health and the environment. Failure to comply with the effluent permit limits resulted in the exposure of an insignificant amount of contaminants which did not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

122 Number of violation days

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

Violation Base Penalty \$3,000

Three quarterly events are recommended for May 2005 through November 2005.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8,932

Violation Final Penalty Total \$6,150

This violation Final Assessed Penalty (adjusted for limits) \$6,150

Economic Benefit Worksheet

Respondent Randolph Water Supply Corporation
Case ID No. 32570
Reg. Ent. Reference No. RN102915469
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
<small>No commas or \$</small>							

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$45,000	1-May-2005	1-Mar-2008	2.8	\$425	\$8,507	\$8,932
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 of conducting an engineering assessment of the treatment system and corrective actions to restore treatment capacity. Date required is the first violation month. Final date is the projected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$45,000	TOTAL	\$8,932
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Screening Date 23-Jan-2007

Docket No. 2007-0179-MWD-E

PCW

Respondent Randolph Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32570

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915469

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (9) and TPDES Permit No. 11343001, Monitoring and Reporting Requirements No. 7.c.

Violation Description

Failed to provide noncompliance notification reports for effluent limit violations. Specifically, notification reports were not provided for the BOD and TSS daily average concentration limit violations for September 2005 through November 2005 that exceeded the permit limits by more than 40 percent.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes

100% of the rule was not met by not providing verbal and written noncompliance notifications.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3

461 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$3,000

Three single events are recommended for September, October, and November 2005 noncompliance reports.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$29

Violation Final Penalty Total \$6,150

This violation Final Assessed Penalty (adjusted for limits) \$6,150

Economic Benefit Worksheet

Respondent Randolph Water Supply Corporation
Case ID No. 32570
Reg. Ent. Reference No. RN102915469
Media Water Quality
Violation No. 2

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)				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)	\$300	20-Oct-2005	1-Oct-2007	1.9	\$29	n/a	\$29

Notes for DELAYED costs
 Estimated costs of preparing and submitting effluent noncompliance reports based on \$100 per report. Date required is date first report was due. Final date is projected date for the submittal of the delinquent reports.

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
 (This section is currently blank.)

Approx. Cost of Compliance \$300
TOTAL \$29

Screening Date 23-Jan-2007

Docket No. 2007-0179-MWD-E

PCW

Respondent Randolph Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32570

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915469

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.1 and TPDES Permit No. 11343001, Monitoring and Reporting Requirement No. 1 and Sludge Provisions

Violation Description Failed to submit timely annual sludge reports for the monitoring periods ending on July 31, 2005 and July 31, 2006 by September 1 of each year.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

Less than 30% of the rule was not met by not submitting the annual sludge reports on time.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2

437 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$200

Two single events are recommended for annual sludge reports due September 1, 2005 and 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6

Violation Final Penalty Total \$410

This violation Final Assessed Penalty (adjusted for limits) \$410

Economic Benefit Worksheet

Respondent Randolph Water Supply Corporation
Case ID No. 32570
Reg. Ent. Reference No. RN102915469
Media Water Quality
Violation No. 3

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)				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)	\$100	1-Sep-2005	11-Nov-2006	1.2	\$6	n/a	\$6

Notes for DELAYED costs
 Estimated costs of submitting the annual sludge reports based on \$50 per report. Date required is date 2005 report was due. Final date is the date the delinquent reports were submitted.

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
 (This section is currently blank.)

Approx. Cost of Compliance \$100 **TOTAL** \$6

Screening Date 23-Jan-2007

Docket No. 2007-0179-MWD-E

PCW

Respondent Randolph Water Supply Corporation

Policy Revision 2 (September 2002)

Case ID No. 32570

PCW Revision December 8, 2006

Reg. Ent. Reference No. RN102915469

Media [Statute] Water Quality

Enf. Coordinator Catherine Albrecht

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(2) and Tex. Water Code § 26.121(a)

Violation Description Failed to maintain a permit for the operation of the Facility. Specifically, Randolph WSC allowed the TPDES Permit No. 11343001 to expire on December 1, 2005 and continues to operate and discharge from the Facility.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>>Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes 100% of the rule was not met by not submitting a permit renewal application.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 14 418 Number of violation days

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$14,000

Fourteen monthly events are recommended from the permit expiration date of December 1, 2005 to the screening date of January 23, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$562

Violation Final Penalty Total \$28,700

This violation Final Assessed Penalty (adjusted for limits) \$28,700

Economic Benefit Worksheet

Respondent Randolph Water Supply Corporation
Case ID No. 32570
Reg. Ent. Reference No. RN102915469
Media Water Quality
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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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	\$5,000	1-Dec-2005	1-Mar-2008	2.2	\$562	n/a	\$562
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of obtaining a permit. Date required is date previous permit expired. Final date is the projected date for obtaining a new permit.

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

\$562

Respondent: Randolph Water Supply Corporation
ID Number: RN102915469
Docket Number: 2007-0179-MWD-E
Enf. Coordinator: Catherine Albrecht

Corresponds to Violation Number: 1

OUTFALL 001 EFFLUENT PARAMETERS

Month/Year	BOD Daily Average Limit of 30.0 (in mg/L)	TSS Daily Average Limit of 100.0 (in mg/L)
May-05	50.7	c
Sep-05	46.21	111.8
Oct-05	71.5	142.0
Nov-05	56.5	157.5

Abbreviations:
Biochemical Oxygen Demand ("BOD")
Total Suspended Solids ("TSS")
milligram per liter ("mg/L")
compliant ("c")

Compliance History

Customer/Respondent/Owner-Operator: CN600675144 Randolph Water Supply Corporation Classification: AVERAGE Rating: 3.52
Regulated Entity: RN102915469 RANDOLPH WSC Classification: AVERAGE Site Rating: 3.52
ID Number(s): WASTEWATER PERMIT WQ0014752001
WASTEWATER EPA ID TX0027928
WASTEWATER LICENSING LICENSE WQ0011343001
Location: On Farm-to-Market Road 896, one half mile south of State Highway Business 121 in Fannin County Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: January 19, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 19, 2002 to January 19, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Catherine Albrecht Phone: (713)767-3672

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1 09/03/2002 (176453)
2 09/03/2002 (176450)
3 12/28/2006 (517751)
4 09/03/2002 (176447)
5 04/10/2003 (176443)
6 04/29/2002 (176442)
7 03/14/2003 (176440)
8 09/03/2002 (176439)
9 04/10/2002 (146573)
10 05/30/2003 (303156)
11 07/11/2003 (303157)
12 08/08/2003 (303158)
13 03/15/2006 (471499)
14 08/21/2003 (303159)
15 09/22/2003 (303160)
16 10/31/2003 (303161)
17 10/31/2003 (303162)
18 12/19/2003 (303163)
19 01/12/2004 (303164)
20 03/15/2006 (471500)
21 01/24/2003 (176475)
22 07/24/2006 (522263)
23 09/15/2006 (522264)
24 04/29/2002 (176474)
25 02/02/2005 (349162)
26 01/24/2003 (176471)
27 04/29/2002 (176470)
28 04/21/2005 (442423)
29 06/27/2005 (442424)
30 12/31/2004 (343320)
31 07/22/2005 (442425)
32 06/04/2004 (355182)
33 10/07/2005 (471501)

34 09/13/2005 (442426)
35 06/04/2004 (355183)
36 12/13/2002 (176467)
37 10/24/2005 (471502)
38 06/04/2004 (355184)
39 09/01/2004 (355185)
40 04/29/2002 (176466)
41 10/07/2004 (355186)
42 11/06/2002 (176465)
43 06/04/2004 (355187)
44 04/29/2002 (176464)
45 11/21/2005 (471503)
46 09/10/2003 (248125)
47 10/11/2002 (176462)
48 12/27/2005 (471504)
49 09/06/2002 (176459)
50 05/02/2006 (500151)
51 11/17/2004 (383608)
52 05/15/2006 (500152)
53 01/28/2005 (383609)
54 02/08/2006 (471505)
55 06/22/2006 (500153)
56 01/28/2005 (383610)
57 11/17/2004 (383611)
58 06/20/2003 (119474)
59 01/28/2005 (383612)
60 09/03/2002 (176456)
61 01/28/2005 (383613)

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

Date: 05/31/2002 (176453)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2002 (176450)
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: 03/31/2004 (355183)
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 (442424)
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 (303161)
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 (303162)
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 (303163)
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: 11/30/2003 (303164)
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: 12/30/2004 (343320)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit limits.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit non-compliance notification.

Date: 12/31/2002 (176475)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2002 (176471)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/10/2002 (146573)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121[G]
30 TAC Chapter 305, SubChapter F 305.125(2)
Rqmt Prov: PERMIT IA
Description: Failure to comply with permit limits for total suspended solids.

Date: 02/29/2004 (355182)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (471502)
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: 08/31/2002 (176462)
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: 03/10/2005 (380722)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
Description: Failure to prevent unauthorized discharges.

Date: 10/31/2005 (471503)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2005 (471504)
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 (383608)
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: 06/20/2003 (119474)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permitted effluent limitations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to keep a record of flow measurements.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to properly calculate loading.

Date: 10/31/2004 (383611)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2004 (383612)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.
N/A

J. Early compliance.
N/A

Sites Outside of Texas
N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
RANDOLPH WATER SUPPLY
CORPORATION
RN102915469

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

AGREED ORDER
DOCKET NO. 2007-0179-MWD-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 Randolph Water Supply Corporation ("Randolph WSC") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and Randolph WSC appear before the Commission and together stipulate that:

1. Randolph WSC owns and operates a wastewater treatment facility located on Farm-to-Market Road 896, one half mile south of State Highway Business 121 in Fannin County, Texas (the "Facility").
2. Randolph WSC has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. The Commission and Randolph WSC agree that the Commission has jurisdiction to enter this Agreed Order, and that Randolph WSC is subject to the Commission's jurisdiction.
4. Randolph WSC received notice of the violations alleged in Section II ("Allegations") on or about January 3, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Randolph WSC of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Forty-One Thousand Four Hundred Ten Dollars (\$41,410) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by Randolph WSC and determined that Randolph WSC is unable to pay part of the administrative penalty. Therefore, Twenty-Nine Thousand Six Hundred Fifty-Nine Dollars (\$29,659) of the penalty is deferred contingent upon Randolph WSC's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If Randolph WSC fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Randolph WSC to pay all or part of the deferred penalty.

Randolph WSC has paid One Hundred Three Dollars (\$103) of the undeferred administrative penalty. The remaining amount of Eleven Thousand Six Hundred Forty-Eight Dollars (\$11,648) of the administrative penalty shall be payable in 35 monthly payments of One Hundred Dollars (\$100) for each of the first 23 months of the payment schedule and Seven Hundred Seventy-Nine Dollars (\$779) for each of the final 12 months. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment. If Randolph WSC fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of Randolph WSC to meet the payment schedule of this Agreed Order constitutes the failure by Randolph WSC to timely and satisfactorily comply with all the terms of this Agreed Order.

7. 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.
8. The Executive Director of the TCEQ and Randolph WSC have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that Randolph WSC has implemented the following corrective measures at the Facility:
 - a. On October 17, 2006, submitted a new permit application for authorization to operate and discharge from the Facility; and
 - b. On November 11, 2006, submitted annual sludge reports for the monitoring periods ending on July 31, 2005 and July 31, 2006.
10. 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 Randolph WSC has not complied with one or more of the terms or conditions in this Agreed Order.
11. 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.

12. 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, Randolph WSC is alleged to have:

1. Failed to comply with the permitted effluent limits, as listed below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11343001, Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on November 8, 2006:

Month/Year	BOD Daily Average Limit of 30.0 (in mg/L)	TSS Daily Average Limit of 100.0 (in mg/L)
May-05	50.7	c
Sep-05	46.21	111.8
Oct-05	71.5	142.0
Nov-05	56.5	157.5

Abbreviations: Biochemical Oxygen Demand ("BOD")
Total Suspended Solids ("TSS")
milligram per liter ("mg/L")
compliant ("c")

2. Failed to provide noncompliance notification reports for effluent limit violations, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (9) and TPDES Permit No. 11343001, Monitoring and Reporting Requirements No. 7.c., as documented during an investigation conducted on November 8, 2006. Specifically, notification reports were not provided for the BOD and TSS daily average concentration limit violations for September 2005 through November 2005 that exceeded the permit limits by more than 40 percent.
3. Failed to submit timely annual sludge reports for the monitoring periods ending on July 31, 2005 and July 31, 2006 by September 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.1 and TPDES Permit No. 11343001, Monitoring and Reporting Requirement No. 1 and Sludge Provisions as documented during an investigation conducted on November 8, 2006.
4. Failed to maintain a permit for the operation of the Facility, in violation of 30 TEX. ADMIN. CODE § 305.125(2) and TEX. WATER CODE § 26.121(a) as documented during an investigation conducted on November 8, 2006. Specifically, Randolph WSC allowed TPDES Permit No. 11343001 to expire on December 1, 2005 and continued to operate and discharge from the Facility.

III. DENIALS

Randolph WSC generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Randolph WSC pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and Randolph WSC's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Randolph Water Supply Corporation, Docket No. 2007-0179-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. It is further ordered that Randolph WSC shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 300 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. 11343001;
 - b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
 - c. Within 30 days after the effective date of this Agreed Order, submit noncompliance notification reports for effluent noncompliances that exceeded the permit limits by more than 40 percent during September, October, and November 2005, as required by 30 TEX. ADMIN. CODE § 305.125(9);
 - d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. through 2.c., as described below in Ordering Provision No. 2.f.;
 - e. Within 60 days after the effective date of this Agreed Order, submit an engineering evaluation of the existing hydraulic and organic capacity and the structural integrity of the facilities to determine the ability of the facilities to ensure compliance with current permit limits. This assessment shall be conducted by a Texas registered professional engineer and shall include a plan and schedule to implement necessary repairs and/or maintenance work to be completed within 180 days after the effective date of this Agreed Order; and
 - f. Within 300 days after the effective date of this Agreed Order, submit written certification that authorization to operate has been obtained and compliance with effluent limits for the

TPDES permit have been achieved or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, 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
2309 Gravel Road
Fort Worth, Texas 76118-6951

3. The provisions of this Agreed Order shall apply to and be binding upon Randolph WSC. Randolph WSC 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. If Randolph WSC fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, Randolph WSC's failure to comply is not a violation of this Agreed Order. Randolph WSC shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Randolph WSC shall notify the Executive Director within seven days after Randolph WSC becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. 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 Randolph WSC shall be made in writing to the Executive Director. Extensions are not effective until Randolph WSC receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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Second main paragraph of handwritten text, continuing the narrative or list of items.

Third main paragraph of handwritten text, appearing to be a separate section or entry.

Fourth main paragraph of handwritten text, possibly a concluding sentence or a new entry.

Fifth main paragraph of handwritten text, continuing the flow of the document.

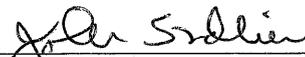
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6. This Agreed Order, issued by the Commission, shall not be admissible against Randolph WSC in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. 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.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to Randolph WSC, or three days after the date on which the Commission mails notice of the Order to Randolph WSC, 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

2/7/08
Date

I, the undersigned, have read and understand the attached Agreed Order. I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, indicated below my signature, and I do agree to the terms and conditions specified therein. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

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

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

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


Signature

8-14-07
Date

Maurice Reeves
Name (Printed or typed)
Authorized Representative of
Randolph Water Supply Corporation

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.

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Yours faithfully,

[Handwritten signature]

Faint text, possibly a name or title.

[Handwritten signature]

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