

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1291-PWS-E **TCEQ ID:** RN101396802 **CASE NO.:** 34391

RESPONDENT NAME: City of Evant

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 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>SITE WHERE VIOLATION(S) OCCURRED: City of Evant Public Water Supply, 598 US Highway 84 East, Evant, Coryell County</p> <p>TYPE OF OPERATION: Public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: A complaint was received June 18, 2007 concerning a water outage. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Andrea Linson-Mgbeoduru, Enforcement Division, Enforcement Team 2, MC 169, (512) 239-1482; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Sterling Manning, Mayor, City of Evant, P.O. Box 10, Evant, Texas 76525 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: June 18, 2007</p> <p>Date of Investigation Relating to this Case: June 18, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 20, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation.</p> <p>WATER</p> <p>1) Failed to institute all necessary 'Special Precautions', including providing a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 pounds per square inch ("psi") or a decrease in the disinfectant residual below 0.2 milligrams per liter ("mg/L") free chlorine. Specifically, the water system failed to provide a boil water notice within 24 hours after being notified by Commission personnel that the investigation conducted on June 18, 2007 revealed that the distribution pressure was 14 psi and chlorine residual levels were 0.02 mg/L and 0.0 mg/L free chlorine at residences within the distribution system [30 TEX. ADMIN. CODE §§ 290.46(q)(1) and 290.122(a)(2)].</p> <p>2) Failed to operate the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times and 20 psi during emergencies such as fire fighting. Specifically, the distribution pressure was measured at 14 psi at two residences within the system during the investigation conducted on June 18, 2007 [30 TEX. ADMIN. CODE § 290.46(r)].</p> <p>3) Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a</p>	<p>Total Assessed: \$2,095</p> <p>Total Deferred: \$419 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,676</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input 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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order:</p> <p>i. Begin maintaining a minimum free chlorine residual of 0.2 mg/L throughout the distribution system at all times;</p> <p>ii. Implement procedures that will ensure boil water notifications are issued to the customers of the water supply and within 24 hours of a low distribution system pressure and/or low disinfectant residual events; and</p> <p>iii. Begin operating the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times, and 20 psi during emergencies such as fire fighting.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Install an intruder-resistant fence at the FM 183 Facility; and</p> <p>ii. Properly house the sodium hypochlorite containers at the FM 183 Facility.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.</p>

<p>minimum of 0.2 mg/L free chlorine. Specifically, field tests conducted during the June 18, 2007 investigation at the two residences on Brooks Drive revealed free chlorine residuals of 0.02 mg/L and 0.00 mg/L [30 TEX. ADMIN. CODE § 290.110(b)(4)].</p> <p>4) Failed to provide an intruder-resistant fence or lockable building to protect the well and ground storage tanks at the Farm-to-Market Road ("FM") 183 Facility [30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e)].</p> <p>5) Failed to house the hypochlorination solution containers properly to prevent vandalism and the entrance of dust, insects, and other contaminants at the FM 183 Facility [30 TEX. ADMIN. CODE § 290.42(e)(5)].</p>		
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Additional ID No(s): PWS ID No. 0500015



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	30-Jul-2007	Screening	9-Aug-2007	EPA Due	
	PCW	9-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Evant		
Reg. Ent. Ref. No.	RN101396802		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	34391	No. of Violations	5
Docket No.	2007-1291-PWS-E	Order Type	1660
Media Program(s)	Public Water Supply	Enf. Coordinator	Andrea Linson-Mgbeodur
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

Culpability **Subtotal 4**

Notes

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

Approx. Cost of Compliance **Subtotal 6**

Total EB Amounts	\$861
Approx. Cost of Compliance	\$6,100

*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 indicted percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

PAYABLE PENALTY

Screening Date 9-Aug-2007

Docket No. 2007-1291-PWS-E

PCW

Respondent City of Evant

Policy Revision 2 (September 2002)

Case ID No. 34391

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101396802

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	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%
Please Enter Yes or No			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 30%

>> 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

Enhancement is due to two previous Notices of Violation ("NOVs") that contain the same or similar violations as the current enforcement action as well as one Agreed Order that contains a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 9-Aug-2007 **Docket No.** 2007-1291-PWS-E **PCW**

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

Case ID No. 34391 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101396802

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

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 City of Evant
Case ID No. 34391
Reg. Ent. Reference No. RN101396802
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
No 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				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				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]	\$600	18-Jun-2007	19-Jun-2007	0.0	\$0	\$600	\$600
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

The avoided costs represent the amount required to post the two boil water notices for the chlorine and pressure deficiencies. The date required is the date of the violation. The final date was the date boil water notices were due.

Approx. Cost of Compliance	\$600	TOTAL	\$600
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Screening Date 9-Aug-2007

Docket No. 2007-1291-PWS-E

PCW

Respondent City of Evant

Policy Revision 2 (September 2002)

Case ID No. 34391

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101396802

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

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	<input checked="" type="checkbox"/>

Violation Base Penalty

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: City of Evant
Case ID No.: 34391
Reg. Ent. Reference No.: RN101396802
Media: Public Water Supply
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment			0.0	\$0	\$0	\$0
Buildings			0.0	\$0	\$0	\$0
Other (as needed)	\$2,000	18-Jun-2007	1-Apr-2008	0.8	\$5	\$105
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 within the system to a constant 35 psi or greater. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,000** **TOTAL** **\$110**

Screening Date 9-Aug-2007

Docket No. 2007-1291-PWS-E

PCW

Respondent City of Evant

Policy Revision 2 (September 2002)

Case ID No. 34391

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101396802

Media [Statute] Public Water Supply

Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description

Failed to maintain the residual disinfectant residual concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine. Specifically, field tests conducted during the June 18, 2007 investigation at the two residences on Brooks Drive revealed free chlorine residuals of 0.02 mg/L and 0.00 mg/L.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

Falsification	Major	Moderate	Minor
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

Matrix Notes

Failure to maintain a residual disinfectant concentration at a minimum of 0.2 mg/L free chlorine could result in the delivery of contaminated water to the public which would 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 type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="text" value="x"/>

Violation Base Penalty

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 City of Evant
Case ID No. 34391
Reg. Ent. Reference No. RN101396802
Media Public Water Supply
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$500	18-Jun-2007	1-Jan-2008	0.5	\$1	\$18	\$19
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 disinfectant chlorine residual concentration within the system to proper levels. The date required is the investigation date. The final date is the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$19

Screening Date 9-Aug-2007	Docket No. 2007-1291-PWS-E	PCW
Respondent City of Evant		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34391		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN101396802		
Media [Statute] Public Water Supply		
Enf. Coordinator Andrea Linson-Mgbeoduru		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 290.41(c)(3)(O) and 290.43(e)	
Violation Description	Failed to provide an intruder-resistant fence or lockable building to protect the well and ground storage tanks. Specifically, it was noted during the investigation that a portion of the fence at the Farm-to-Market Road ("FM") 183 Facility was not intruder-resistant due to an opening for access of construction equipment.	
	Base Penalty	<input type="text" value="\$1,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	x	Percent <input type="text" value="5%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
	Percent <input type="text" value="0%"/>				
Matrix Notes	Failing to provide an intruder-resistant fence for the water wells may allow persons to enter and vandalize the wells which may compromise the systems ability to provide a safe and adequate water supply by exposing customers to an 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

<small>mark only one with an x</small>	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.

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 City of Evant
Case ID No. 34391
Reg. Ent. Reference No. RN101396802
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)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	18-Jun-2007	1-Feb-2008	0.6	\$4	\$83	\$87
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 install an intruder-resistant fence at the FM 183 Facility. The date required is the date of the investigation. The final date is the estimated date of compliance.

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$2,000 **TOTAL** \$87

Screening Date 9-Aug-2007 **Docket No.** 2007-1291-PWS-E **PCW**
Respondent City of Evant *Policy Revision 2 (September 2002)*
Case ID No. 34391 *PCW Revision June 26, 2007*

Reg. Ent. Reference No. RN101396802
Media [Statute] Public Water Supply
Enf. Coordinator Andrea Linson-Mgbeoduru

Violation Number

Rule Cite(s)

Violation Description Failed to house the hypochlorination solution containers properly to prevent vandalism and the entrance of dust, insects, and other contaminants at the FM 183 Facility. Specifically, it was noted during the investigation conducted on June 18, 2007, that full sodium hypochlorite solution containers at the FM 183 Facility were sitting on the ground outside the fence.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>
Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<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 If the hypochlorination solution containers are not housed properly, customers of the water supply could be exposed to significant amounts of contaminants which would not exceed levels that are 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.

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 City of Evant
Case ID No. 34391
Reg. Ent. Reference No. RN101396802
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment	\$1,000	18-Jun-2007	1-Feb-2008	0.6	\$2	\$42	\$44
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 construct an enclosure to house the hypochlorination solution at the FM 183 Facility. The date required is the date of the investigation. The final date is the expected date of compliance.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$1,000	TOTAL	\$44
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Compliance History

Customer/Respondent/Owner-Operator:	CN600507495	City of Evant	Classification: AVERAGE	Rating: 1.68
Regulated Entity:	RN101396802	CITY OF EVANT	Classification:	Site Rating:
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	0500015	
	WATER LICENSING	LICENSE	0500015	
Location:	598 US HIGHWAY 84 EAST, EVANT, CORYELL COUNTY,			
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	July 31, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	July 30, 2002 to July 30, 2007			

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

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

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

Effective Date: 02/05/2007	ADMINORDER 2006-0813-PWS-E
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)	
Description: Failure to cover the top of the hypochlorination solution container completely to prevent the entrance of dust, insects, and other contaminants at the FM 183 facility.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A) 5A THC Chapter 341, SubChapter A 341.033(a)	
Description: Failure to ensure that the Facility operation is under the direct supervision of a water works operator that holds a minimum of a Class D license.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)	
Description: Failure to provide water system records for review at the time of the investigation.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)	
Description: Failure to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions at the FM 183 facility.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)	
Description: Failure to seal the wellhead with a gasket or a pliable crack-resistant sealing compound at the FM183 facility.	
Classification: Moderate	
Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)	
Description: Failure to provide an intruder-resistant fence or lockable building that protect the well and ground storage tank at the Live Oak facility from contamination or damage by trespassers.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)	
Description: Failure to post a legible sign at the Highway 84 number two well that includes the name of the water supply and an emergency telephone number where a responsible official can be reached.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)	
Description: Failure to provide secondary containment for all liquid chemical storage tanks at the FM 183 facility.	
Classification: Minor	
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)	
Description: Failure to provide a 16-mesh or or finer corrosion-resistant screen on the roof vent of the	

standpipe at the Highway 84 facility.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)

Description: Failure to provide a properly sealed roof hatch in order to prevent insects and other possible contaminants from entering the water supply at the FM 183 facility.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)

Description: Failure to properly seal the overflow pipe at the FM 183 facility with a tight-fitting cover that does not have a gap in excess of 1/16th of an inch.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)

Description: Failure to provide all ground storage tanks at the Highway 84 and FM 183 facilities with a liquid level indicator gauge.

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	08/30/2005	(398743)
2	12/30/2005	(439461)
3	02/10/2006	(454859)
4	05/23/2006	(460254)

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

Date: 10/10/2005 (432764)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.110(b)(4)

Description: Failure to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.20 mg/L free chlorine or 0.50 mg/L total chlorine as per agency regulations.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(4)

Description: Failure to maintain all water distribution system lines in a watertight condition.

Date: 12/20/2005 (439461)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(e)(5)

Description: Failure to cover the top of the hypochlorination solution container completely to prevent the entrance of dust, insects, and other contaminants at the FM 183 facility.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(4)(A)
5A THC Chapter 341, SubChapter A 341.033(a)

Description: Failure to ensure that the Facility operation is under the direct supervision of a water works operator that holds a minimum of a Class D license.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)

Description: Failure to provide water system records for review at the time of the investigation.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(J)

Description: Failure to provide a concrete sealing block that extends at least three feet from the exterior well casing in all directions at the FM 183 facility.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(K)

Description: Failure to seal the wellhead with a gasket or a pliable crack-resistant sealing compound at the FM183 facility.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(3)(O)

Description: Failure to provide an intruder-resistant fence or lockable building that protect the well and ground storage tank at the Live Oak facility from contamination or damage by trespassers.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(t)

Description: Failure to post a legible sign at the Highway 84 number two well that includes the name of the water supply and an emergency telephone number where a responsible official can be reached.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)(I)
 Description: Failure to provide secondary containment for all liquid chemical storage tanks at the FM 183 facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)[G]
 Description: Failure to practice adequate maintenance and housekeeping to ensure the good working condition and general appearance of the system's facilities and equipment.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(1)
 Description: Failure to provide a 16-mesh or or finer corrosion-resistant screen on the roof vent of the standpipe at the Highway 84 facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(2)
 Description: Failure to provide a properly sealed roof hatch in order to prevent insects and other possible contaminants from entering the water supply at the FM 183 facility.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(3)
 Description: Failure to properly seal the overflow pipe at the FM 183 facility with a tight-fitting cover that does not have a gap in excess of 1/16th of an inch.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide all ground storage tanks at the Highway 84 and FM 183 facilities with a liquid level indicator gauge.

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

K. Sites Outside of Texas
 N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF EVANT
RN101396802

§ BEFORE THE
§ TEXAS COMMISSION ON
§ ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1291-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 City of Evant ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a public water supply at 598 US Highway 84 East in Evant, Coryell County, Texas (the "Facility") that has approximately 206 service connections and serves at least 25 people per day for at least 60 days per year.
2. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
3. The City received notice of the violations alleged in Section II ("Allegations") on or about July 25, 2007.
4. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
5. An administrative penalty in the amount of Two Thousand Ninety-Five Dollars (\$2,095) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Six Hundred Seventy-Six Dollars (\$1,676) of the administrative penalty and Four Hundred Nineteen Dollars (\$419) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and

satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

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 the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
8. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
9. 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.
10. 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, the City is alleged to have:

1. Failed to institute all necessary 'Special Precautions', including providing a boil water notice to the customers of the water system within 24 hours following a drop in the distribution pressure below 20 pounds per square inch ("psi") or a decrease in the disinfectant residual below 0.2 milligrams per liter ("mg/L") free chlorine, in violation of 30 TEX. ADMIN. CODE §§ 290.46(q)(1) and 290.122(a)(2), as documented during an investigation conducted on June 18, 2007. Specifically, the water system failed to provide a boil water notice within 24 hours after being notified by Commission personnel that the investigation conducted on June 18, 2007 revealed that the distribution pressure was 14 psi and chlorine residual levels were 0.02 mg/L and 0.0 mg/L free chlorine at residences within the distribution system.
2. Failed to operate the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times and 20 psi during emergencies such as fire fighting, in violation of 30 TEX. ADMIN. CODE § 290.46(r), as documented during an investigation conducted on June 18, 2007. Specifically, the distribution pressure was measured at 14 psi at two residences within the system during the investigation conducted on June 18, 2007.
3. Failed to maintain the residual disinfectant concentration in the far reaches of the distribution system at a minimum of 0.2 mg/L free chlorine, in violation of 30 TEX. ADMIN. CODE § 290.110(b)(4), as documented during an investigation conducted on June 18, 2007. Specifically, field tests conducted during the June 18, 2007 investigation at the two residences on Brooks Drive revealed free chlorine residuals of 0.02 mg/L and 0.00 mg/L.

4. Failed to provide an intruder-resistant fence or lockable building to protect the well and ground storage tanks at the Farm-to-Market Road ("FM") 183 Facility, in violation of 30 TEX. ADMIN. CODE §§ 290.41(c)(3)(O) and 290.43(e), as documented during an investigation conducted on June 18, 2007.
5. Failed to house the hypochlorination solution containers properly to prevent vandalism and the entrance of dust, insects, and other contaminants at the FM 183 Facility, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(5), as documented during an investigation conducted on June 18, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 5 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Evant, Docket No. 2007-1291-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 the City shall undertake the following technical requirements:
 - a. Immediately after the effective date of this Agreed Order:
 - i. Begin maintaining a minimum free chlorine residual of 0.2 mg/L throughout the distribution system at all times, in accordance with 30 TEX. ADMIN. CODE § 290.110;
 - ii. Implement procedures that will ensure boil water notifications are issued to the customers of the water supply and within 24 hours of a low distribution system pressure and/or low disinfectant residual events, in accordance with 30 TEX. ADMIN. CODE §§ 290.46 and 290.122; and
 - iii. Begin operating the water system to provide a minimum pressure of 35 psi throughout the distribution system at all times, and 20 psi during emergencies such as fire fighting, in accordance with 30 TEX. ADMIN. CODE § 290.46.

- b. Within 30 days after the effective date of this Agreed Order:
 - i. Repair the fence at the FM 183 Facility to ensure it is intruder-resistant, in accordance with 30 TEX. ADMIN. CODE §§ 290.41 and 290.43; and
 - ii. Properly house the sodium hypochlorite containers at the FM 183 Facility, in accordance with 30 TEX. ADMIN. CODE § 290.42.

- c. Within 45 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. and 2.b. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

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:

Public Water Supply Section, Manager
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City 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 the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
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 the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

4/21/2008
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

12-14-07
Date

Sterling Manning
Name (Printed or typed)
Authorized Representative of
City of Evant

MAYOR
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.

