

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1381-PWS-E **TCEQ ID:** RN100828805 **CASE NO.:** 25284

RESPONDENT NAME: Alexander Moulding Mill Company

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input 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: Alexander Moulding Mill, located on US Highway 281, two miles south of Hamilton, Hamilton County</p> <p>TYPE OF OPERATION: Public water supply</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 February 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Rebecca Clausewitz, Enforcement Division, Enforcement Team 2, MC R-13, (210) 403-4012; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. John Alexander, President, Alexander Moulding Mill Company, P.O. Box 312, Hamilton, Texas 76531 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: May 30, 2007</p> <p>Date of NOV/NOE Relating to this Case: July 14, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to provide a well casing that is a minimum of 18 inches above the finished floor of the pump room or the natural ground surface [30 TEX. ADMIN. CODE § 290.41(c)(3)(B) and Agreed Order Docket No. 2005-0762-PWS-E, Ordering Provision 2.a.i.].</p> <p>2) Failed to maintain all water system records on file and make them available for Commission review at the time of the inspection [30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(i), (f)(3)(D)(ii) and (f)(3)(E)(i)].</p> <p>3) Failed to notify the Commission prior to making any significant changes or additions to the water system's pressure maintenance facilities [30 TEX. ADMIN. CODE § 290.39(j)(1)(A)].</p> <p>4) Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system [30 TEX. ADMIN. CODE § 290.121(a) and (b)].</p> <p>5) Failed to maintain an accurate and up-to-date map of the distribution system [30 TEX. ADMIN. CODE § 290.46(n)(2)].</p> <p>6) Failed to demonstrate that the chemical additives used by the water system conform to American National Standards Institute/National Sanitation</p>	<p>Total Assessed: \$1,500</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,500</p> <p>Site Compliance History Classification <input checked="" 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>Findings Orders Justification: There was an absence of management practices designed to ensure compliance. This case involved a violation of a prior Agreed Order.</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, begin maintaining all water system records at the Facility so that they can be made available for Commission review at the time of the investigation, including maintaining monthly operating reports and bacteriological analysis results and the annual inspection reports for the water system's ground storage tank and two pressure tanks.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Notify the Commission of the addition of the 200 gallon pressure tank at the Facility and submit plans and specifications for the pressure tank upon request of Commission personnel;</p> <p>ii. Obtain and keep on file a copy of the well completion data, including the well driller's log and the cementing report;</p> <p>iii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan for the water system; and</p> <p>iv. Demonstrate that the chemical additives used by the water system conform to ANSI/NSF Standard 60.</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Submit written certification and include detailed supporting documentation in addition to photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. and b.;</p> <p>ii. Provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface; and</p> <p>iii. Develop and begin maintaining an accurate and up-to-date map of the distribution system.</p>

<p>Foundation ("ANSI/NSF") Standard 60 [30 TEX. ADMIN. CODE § 290.42(j)].</p> <p>7) Failed to keep on file and make available for Commission review the water system's well completion data [30 TEX. ADMIN. CODE § 290.46(n)(3)].</p>		<p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation in addition to photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions c.ii. and c.iii.</p>
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Additional ID No(s): PWS ID No. 0970010



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned PCW	31-Jul-2007	Screening	23-Aug-2007	EPA Due	24-Feb-2008
		23-Aug-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	Alexander Moulding Mill Company
Reg. Ent. Ref. No.	RN100828805
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	25284	No. of Violations	7
Docket No.	2007-1381-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Rebecca Clausewitz
Multi-Media		EC's Team	Enforcement Team 2
Admin. Penalty \$ Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

The compliance history enhancement is due to one Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and for one Agreed Order containing a denial of liability.

Culpability **Subtotal 4**

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply **Subtotal 5**

Extraordinary

Ordinary

N/A

	Before NOV	NOV to EDRP/Settlement Offer
	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$309
Approx. Cost of Compliance	\$2,550

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

Subtotal 6

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

No deferral is recommended for Findings Orders.

PAYABLE PENALTY

Screening Date 23-Aug-2007

Docket No. 2007-1381-PWS-E

PCW

Respondent Alexander Moulding Mill Company

Policy Revision 2 (September 2002)

Case ID No. 25284

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN100828805

Media [Statute] Public Water Supply

Enf. Coordinator Rebecca Clausewitz

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	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 <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> **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 compliance history enhancement is due to one Notice of Violation containing violations that are the same as or similar to the violations in the current enforcement action and for one Agreed Order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW		
Respondent Alexander Moulding Mill Company	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 25284	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN100828805				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.41(c)(3)(B) and Agreed Order Docket No. 2005-0762-PWS-E, Ordering Provision 2.a.i.			
Violation Description	Failed to provide a well casing that is a minimum of 18 inches above the finished floor of the pump room or the natural ground surface. Specifically, at the time of the investigation, the well casing measured ten inches above the ground surface.			
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"/>	x	<input type="text"/>	
		Percent	<input type="text" value="10%"/>	
>> 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	Without adequate protection of the wellhead, 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	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>		
Violation Events				
Number of Violation Events		<input type="text" value="7"/>	Number of violation days	
		<input type="text" value="616"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
		Violation Base Penalty		
		<input type="text" value="\$700"/>		
Seven quarterly events are recommended from the effective date of TCEQ Agreed Order Docket No. 2005-0762-PWS-E, December 15, 2005, to the date of case screening, August 23, 2007.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$188"/>	Violation Final Penalty Total	
		<input type="text" value="\$875"/>		
		This violation Final Assessed Penalty (adjusted for limits)		
		<input type="text" value="\$875"/>		

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
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
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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	\$1,000	15-Dec-2005	23-Aug-2008	2.7	\$9	\$179	\$188
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 costs include the amount to install a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, calculated from the effective date of TCEQ Agreed Order Docket No. 2005-0762-PWS-E to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$188

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW				
Respondent Alexander Moulding Mill Company	<i>Policy Revision 2 (September 2002)</i>					
Case ID No. 25284	<i>PCW Revision June 26, 2007</i>					
Reg. Ent. Reference No. RN100828805						
Media [Statute] Public Water Supply						
Enf. Coordinator Rebecca Clausewitz						
Violation Number <input type="text" value="2"/>						
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 290.46(f)(3)(D)(i), (f)(3)(D)(ii) and (f)(3)(E)(i)"/>					
Violation Description	<input type="text" value="Failed to maintain all water system records on file and make them available for Commission review at the time of the inspection. Specifically, at the time of the investigation, the Respondent failed to provide monthly operating reports and bacteriological analysis results for the previous 12 months and annual inspection reports for the water system's ground storage tank and two pressure tanks."/>					
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"/>	<input type="text"/>			
		Percent	<input type="text" value="0%"/>			
>> Programmatic Matrix						
		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	x	<input type="text"/>	
					Percent	<input type="text" value="5%"/>
Matrix Notes	<input type="text" value="Between 30% and 70% of the rule requirements were not met."/>					
		Adjustment		<input type="text" value="\$950"/>		
<input type="text" value="\$50"/>						
Violation Events						
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		<input type="text" value="85"/>	
<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		<input type="text" value="\$50"/>		
<input type="text" value="One single event is recommended."/>						
Economic Benefit (EB) for this violation			Statutory Limit Test			
Estimated EB Amount		<input type="text" value="\$19"/>		Violation Final Penalty Total		<input type="text" value="\$63"/>
This violation Final Assessed Penalty (adjusted for limits)					<input type="text" value="\$63"/>	

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
Media Public Water Supply
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$300	30-May-2007	23-Aug-2008	1.2	\$19	n/a	\$19
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 costs include the amount to begin maintaining monthly operating reports, bacteriological monitoring records, and the inspections of the ground and pressure tanks, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

\$300

TOTAL

\$19

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW		
Respondent Alexander Moulding Mill Company	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 25284	<small>PCW Revision June 26, 2007</small>			
Reg. Ent. Reference No. RN100828805				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number <input type="text" value="3"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.39(j)(1)(A)			
Violation Description	Failed to notify the Commission prior to making any significant changes or additions to the water system's pressure maintenance facilities. Specifically, on the date of the investigation, it was documented that a 200 gallon pressure tank was added to the system without prior notification being provided to the Commission regarding the change.			
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"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>	
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>	
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>			
		Adjustment	<input type="text" value="\$900"/>	
		<input type="text" value="\$100"/>		
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	Number of violation days	
		<input type="text" value="85"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>	Violation Base Penalty	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	x		
		<input type="text" value="\$100"/>		
<input type="text" value="One single event is recommended."/>				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$43"/>	Violation Final Penalty Total	
		<input type="text" value="\$125"/>		
		This violation Final Assessed Penalty (adjusted for limits)		
		<input type="text" value="\$125"/>		

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
Media Public Water Supply
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
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	\$500	30-May-2007	23-Aug-2008	1.2	\$2	\$41	\$43
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to provide notification, specifications, and installation reports regarding the new pressure tank, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$43

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW			
Respondent Alexander Moulding Mill Company	<small>Policy Revision 2 (September 2002)</small>				
Case ID No. 25284	<small>PCW Revision June 26, 2007</small>				
Reg. Ent. Reference No. RN100828805					
Media [Statute] Public Water Supply					
Enf. Coordinator Rebecca Clausewitz					
Violation Number <input type="text" value="4"/>					
Rule Cite(s)	30 Tex. Admin. Code § 290.121(a) and (b)				
Violation Description	Failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use.				
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"/>	<input type="text"/>		
		Percent	<input type="text" value="0%"/>		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	x	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>		
Matrix Notes	100% of the rule requirements were not met.				
		Adjustment	<input type="text" value="\$900"/>		
		<input type="text" value="\$100"/>			
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="85"/>		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	<input checked="" type="checkbox"/>				
		Violation Base Penalty	<input type="text" value="\$100"/>		
One single event is recommended.					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$6"/>	Violation Final Penalty Total		<input type="text" value="\$125"/>
This violation Final Assessed Penalty (adjusted for limits)				<input type="text" value="\$125"/>	

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
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
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	\$100	30-May-2007	23-Aug-2008	1.2	\$6	n/a	\$6
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 costs include the amount to develop an up-to-date chemical and microbiological monitoring plan, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Screening Date 23-Aug-2007 **Docket No.** 2007-1381-PWS-E **PCW**
Respondent Alexander Moulding Mill Company *Policy Revision 2 (September 2002)*
Case ID No. 25284 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN100828805
Media [Statute] Public Water Supply
Enf. Coordinator Rebecca Clausewitz
Violation Number 5
Rule Cite(s) 30 Tex. Admin. Code § 290.46(n)(2)
Violation Description Failed to maintain an accurate and up-to-date map of the distribution system so that valves and mains may be easily located during emergencies.

Base Penalty \$1,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm			Percent
		Major	Moderate	Minor	
	Actual				0%
	Potential				

>> Programmatic Matrix

Matrix Notes	Falsification	Harm			Percent
		Major	Moderate	Minor	
		x			10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment \$900

\$100

Violation Events

Number of Violation Events: 1 85 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$100

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$125

This violation Final Assessed Penalty (adjusted for limits) \$125

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
Media Public Water Supply
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	30-May-2007	23-Aug-2008	1.2	\$2	\$41	\$43
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 costs include the amount to develop an up-to-date map of the distribution system, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$43

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW		
Respondent Alexander Moulding Mill Company	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 25284	<i>PCW Revision June 26, 2007</i>			
Reg. Ent. Reference No. RN100828805				
Media [Statute] Public Water Supply				
Enf. Coordinator Rebecca Clausewitz				
Violation Number <input type="text" value="6"/>				
Rule Cite(s)	30 Tex. Admin. Code § 290.42(j)			
Violation Description	Failed to demonstrate that the chemical additives used by the water system conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60.			
Base Penalty		<input type="text" value="\$1,000"/>		
>> Environmental, Property and Human Health Matrix				
Harm				
Release	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
OR			Percent <input type="text" value="0%"/>	
>> Programmatic Matrix				
Falsification				
Major			Moderate	Minor
<input type="text"/>	x	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="10%"/>	
Matrix Notes	100% of the rule requirement was not met.			
Adjustment			<input type="text" value="\$900"/>	
			<input type="text" value="\$100"/>	
Violation Events				
Number of Violation Events <input type="text" value="1"/>		<input type="text" value="85"/> Number of violation days		
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$100"/>	
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	X		
One single event is recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$3"/>		Violation Final Penalty Total <input type="text" value="\$125"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$125"/>		

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
Media Public Water Supply
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$50	30-May-2007	23-Aug-2008	1.2	\$3	n/a	\$3
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 costs include the amount to maintain documentation to demonstrate the use of ANSI/NSF Standard 60 for chemical additives used for disinfection, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$50

TOTAL \$3

Screening Date 23-Aug-2007	Docket No. 2007-1381-PWS-E	PCW												
Respondent Alexander Moulding Mill Company	<small>Policy Revision 2 (September 2002)</small>													
Case ID No. 25284	<small>PCW Revision June 26, 2007</small>													
Reg. Ent. Reference No. RN100828805														
Media [Statute] Public Water Supply														
Enf. Coordinator Rebecca Clausewitz														
Violation Number <input type="text" value="7"/>														
Rule Cite(s)	30 Tex. Admin. Code § 290.46(n)(3)													
Violation Description	Failed to keep on file and make available for Commission review the water system's well completion data. Specifically, at the time of the investigation, the well driller's log and cementing report were not provided.													
Base Penalty		<input type="text" value="\$1,000"/>												
>> Environmental, Property and Human Health Matrix														
Harm														
Release	Major	Moderate	Minor											
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>											
Percent	<input type="text" value="0%"/>													
>> Programmatic Matrix														
Falsification														
Major	Moderate	Minor												
<input type="text"/>	x	<input type="text"/>												
Percent	<input type="text" value="5%"/>													
Matrix Notes	Between 30% and 70% of the rule requirement was not met.													
Adjustment		<input type="text" value="\$950"/>												
		<input type="text" value="\$50"/>												
Violation Events														
<input type="text" value="1"/>	<input type="text" value="85"/>	Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	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 <input type="text" value="\$50"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	x													
One single event is recommended.														
Economic Benefit (EB) for this violation		Statutory Limit Test												
Estimated EB Amount	<input type="text" value="\$6"/>	Violation Final Penalty Total <input type="text" value="\$63"/>												
This violation Final Assessed Penalty (adjusted for limits)		<input type="text" value="\$63"/>												

Economic Benefit Worksheet

Respondent Alexander Moulding Mill Company
Case ID No. 25284
Reg. Ent. Reference No. RN100828805
Media Public Water Supply
Violation No. 7

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	\$100	30-May-2007	23-Aug-2008	1.2	\$6	n/a	\$6
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 costs include the amount maintain the water system's well completion data, calculated from the date of the investigation to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

Compliance History

Customer/Respondent/Owner-Operator: CN600508105 Alexander Moulding Mill Company Classification: AVERAGE Rating: 1.50
Regulated Entity: RN100828805 ALEXANDER MOULDING MILL Classification: HIGH Site Rating: 0.00
ID Number(s): AIR NEW SOURCE PERMITS ACCOUNT NUMBER HC0001M
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0970010
WATER LICENSING LICENSE 0970010
Location: HIGHWAY 281 2 MILES SOUTH OF Rating Date: September 01 06
HAMILTON, TX, 76531 Repeat Violator: NO
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: August 23, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 23, 2002 to August 23, 2007

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

Name: Rebecca Clausewitz Phone: (210) 403-4012

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.

Effective Date: 12/15/2005

ADMINORDER 2005-0762-PWS-E

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.41(c)(1)(F)

Description: Failure to provide a sanitary easement at the time of this investigation.

Classification: Major

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

Rqmt Prov: Docket No. 2005-0762-PWS-E, OP 2.a.i. ORDER

Description: Failure to provide a well casing that is a minimum of eighteen inches above the natural ground surface.

Classification: Minor

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

Description: Failure to maintain on hand a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting new mains prior to service.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to meet this agency's minimum pressure tank capacity requirements for a nontransient, noncommunity water system.

Classification: Minor

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

Description: Failure to insure that the well blowoff line terminates in a downward direction.

Classification: Minor

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

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Classification: Minor

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

Description: Failure to use ANSI/NSF Standard 60 approved chemicals for treatment of water.

Classification: Minor

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

Description: Failed to keep on file and make available for Commission review monthly reports of works operations.

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)

Description: Failed to operate a water distribution system so as to provide at all times a minimum operating pressure of 35 pounds per square inch throughout the distribution system under normal operating conditions.

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	01/25/2005	(345151)
2	09/30/2005	(398526)
3	10/26/2006	(512051)
4	07/12/2007	(566524)
5	07/24/2007	(562623)

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

Date: 10/13/2006 (512051)

Self Report? NO

Classification: Major

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

Rqmt Prov: ORDER Docket No. 2005-0762-PWS-E, OP 2.a.i.

Description: Failure to provide a well casing that is a minimum of eighteen inches above the natural ground surface.

Self Report? NO

Classification: Minor

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

Description: Failure to maintain on hand a supply of calcium hypochlorite disinfectant for use when making repairs, setting meters, and disinfecting new mains prior to service.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(d)(2)(A)(ii)

5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Failure to meet this agency's minimum pressure tank capacity requirements for a nontransient, noncommunity water system.

Self Report? NO

Classification: Minor

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

Description: Failure to insure that the well blowoff line terminates in a downward direction.

Self Report? NO

Classification: Minor

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

Description: Failure to seal the wellhead with the use of gaskets or a pliable crack-resistant caulking compound.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(j)
Description: Failure to use ANSI/NSF Standard 60 approved chemicals for treatment of water.

Self Report? NO Classification: Major
Citation: 2A TWC Chapter 7, SubChapter A 7.101
Rqmt Prov: ORDER Ordering Provisions 2.a.i. - 2.b.i.
Description: Failure to comply with the Ordering Provisions of Commission Order 2005-0762-PWS-E.

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
ALEXANDER MOULDING
MILL COMPANY
RN100828805

§
§
§
§
§
§

BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1381-PWS-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Alexander Moulding Mill Company ("the Respondent") under the authority of TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent presented this agreement to the Commission.

The Respondent understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the Respondent agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the Respondent.

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

I. FINDINGS OF FACT

1. The Respondent owns and operates a wood products manufacturing facility with a public water supply at US Highway 281, two miles south of Hamilton, Hamilton County, Texas (the "Facility") that has one service connection and serves at least 25 people per day for at least 60 days per year.
2. During an investigation conducted on May 30, 2007, TCEQ staff documented that the Respondent did not:
 - a. Provide a well casing that is a minimum of 18 inches above the finished floor of the pump room or the natural ground surface. Specifically, at the time of the investigation, the well casing measured ten inches above the ground surface;

- b. Maintain all water system records on file and make them available for Commission review at the time of the investigation. Specifically, on the date of the investigation, the monthly operating reports and bacteriological analysis results for the previous 12 months and the annual inspection reports for the water system's ground storage tank and two pressure tanks were not available;
 - c. Notify the Commission prior to making any significant changes or additions to the water system's pressure maintenance facilities. Specifically, on the date of the investigation it was documented that a 200 gallon pressure tank was added to the system without prior notification being provided to the Commission regarding the change;
 - d. Develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system that identifies all sampling locations, describes the sampling frequency, and specifies the analytical procedures and laboratories that the public water system will use;
 - e. Maintain an accurate and up-to-date map of the distribution system so that valves and mains may be easily located during emergencies;
 - f. Demonstrate that the chemical additives used by the water system conform to American National Standards Institute/National Sanitation Foundation ("ANSI/NSF") Standard 60; and
 - g. Keep on file and make available for Commission review the water system's well completion data. Specifically, on the date of the investigation, the well driller's log and the cementing report were not provided.
3. The Respondent received notice of the violations on or about July 19, 2007.

II. CONCLUSIONS OF LAW

1. The Respondent is subject to the jurisdiction of the TCEQ pursuant to TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 2.a., the Respondent failed to provide a well casing that is a minimum of 18 inches above the finished floor of the pump room or the natural ground surface, in violation of 30 TEX. ADMIN. CODE § 290.41(c)(3)(B) and Agreed Order Docket No. 2005-0762-PWS-E, Ordering Provision 2.a.i.
3. As evidenced by Findings of Fact No. 2.b., the Respondent failed to maintain all water system records on file and make them available for Commission review at the time of the inspection, in violation of 30 TEX. ADMIN. CODE § 290.46(f)(3)(D)(i), (f)(3)(D)(ii) and (f)(3)(E)(i).

4. As evidenced by Findings of Fact No. 2.c., the Respondent failed to notify the Commission prior to making any significant changes or additions to the water system's pressure maintenance facilities, in violation of 30 TEX. ADMIN. CODE § 290.39(j)(1)(A).
5. As evidenced by Findings of Fact No. 2.d., the Respondent failed to develop and maintain an up-to-date chemical and microbiological monitoring plan for the water system, in violation of 30 TEX. ADMIN. CODE § 290.121(a) and (b).
6. As evidenced by Findings of Fact No. 2.e., the Respondent failed to maintain an accurate and up-to-date map of the distribution system, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(2).
7. As evidenced by Findings of Fact No. 2.f., the Respondent failed to demonstrate that the chemical additives used by the water system conform to ANSI/NSF Standard 60, in violation of 30 TEX. ADMIN. CODE § 290.42(j).
8. As evidenced by Findings of Fact No. 2.g., the Respondent failed to keep on file and make available for Commission review the water system's well completion data, in violation of 30 TEX. ADMIN. CODE § 290.46(n)(3).
9. Pursuant to TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the Respondent for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
10. An administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. HEALTH & SAFETY CODE § 341.049(b). The Respondent has paid the One Thousand Five Hundred Dollar (\$1,500) administrative penalty.

III. ORDERING PROVISIONS

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

1. The Respondent is assessed an administrative penalty in the amount of One Thousand Five Hundred Dollars (\$1,500) as set forth in Section II, Paragraph 10 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the Respondent's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: Alexander Moulding Mill Company, Docket No. 2007-1381-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. The Respondent shall undertake the following technical requirements:

- a. Immediately upon the effective date of this Agreed Order, begin maintaining all water system records at the Facility so that they can be made available for Commission review at the time of the investigation, including maintaining monthly operating reports and bacteriological analysis results and the annual inspection reports for the water system's ground storage tank and two pressure tanks, in accordance with 30 TEX. ADMIN. CODE § 290.46.
- b. Within 30 days after the effective date of this Agreed Order:
 - i. Notify the Commission of the addition of the 200 gallon pressure tank at the Facility and submit plans and specifications for the pressure tank upon request of Commission personnel, in accordance with 30 TEX. ADMIN. CODE § 290.39. The notification shall be sent to:

Technical Review and Oversight Team
Water Supply Division, MC 155
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- ii. Obtain and keep on file a copy of the well completion data, including the well driller's log and the cementing report, in accordance with 30 TEX. ADMIN. CODE § 290.46;
 - iii. Develop and begin maintaining an up-to-date chemical and microbiological monitoring plan for the water system, in accordance with 30 TEX. ADMIN. CODE § 290.121; and
 - iv. Demonstrate that the chemical additives used by the water system conform to ANSI/NSF Standard 60, in accordance with 30 TEX. ADMIN. CODE § 290.42.
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Submit written certification as described in Ordering Provision 2.d. below, and include detailed supporting documentation in addition to photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.a. and 2.b.;

- ii. Provide a well casing that extends a minimum of 18 inches above the elevation of the finished floor of the pump room or natural ground surface, in accordance with 30 TEX. ADMIN. CODE § 290.41; and
 - iii. Develop and begin maintaining an accurate and up-to-date map of the distribution system, in accordance with 30 TEX. ADMIN. CODE § 290.46;
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation in addition to photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions 2.c.ii. and 2.c.iii. 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 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
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 Respondent. The Respondent 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 Respondent shall be made in writing to the Executive Director. Extensions are not effective until the Respondent

receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

5. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the Respondent if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.
6. 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.
7. This Agreed Order, issued by the Commission, shall not be admissible against the Respondent 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.
8. 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.
9. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

5/11/2008

Date

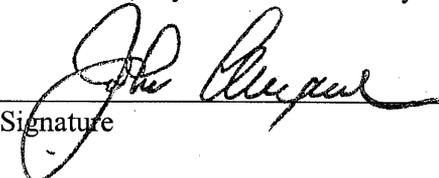
I, the undersigned, have read and understand the attached Agreed Order in the matter of Alexander Moulding Mill Company. I am authorized to agree to the attached Agreed Order on behalf of Alexander Moulding Mill Company, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, Alexander Moulding Mill Company waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

I also understand that 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

4-29-08

Date

John Alexander

Name (Printed or typed)
Authorized Representative of
Alexander Moulding Mill Company

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.

