EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1214-MWD-E **TCEQ ID:** RN102329752 **CASE NO.:** 36266

RESPONDENT NAME: Thompson Water Company, Inc.

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Thompson Water and Construction WWTP, located approximately 0.2 mile east-northeast of the intersection of United States Highway 84 and Farm-to-Market Road 1580, Freestone County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: X **Yes** ___ **No**

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 8, 2009. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Lauren Smitherman, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-5223; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387

Respondent: Mr. Charles W. Phillips, Director, Thompson Water Company, Inc., P.O. Box 366, Fairfield, Texas 75840

Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** June 12, 2008 **Date of NOV/NOE Relating to this Case:** July 8, 2008 (NOE) **Background Facts:** This was a record review. **WATER** Failure to comply with the permitted effluent limitations for dissolved oxygen, biochemical oxygen demand, and fecal coliform [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011508001, Effluent and Monitoring Requirements Nos. 1 and 6].	**Total Assessed:** $16,500 **Total Deferred:** $3,300 X Expedited Settlement __Financial Inability to Pay The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is able to pay the administrative penalty. **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $950 (remaining $12,250 due in 35 monthly payments of $350 each) **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011508001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.

Additional ID No(s).: WQ001150801

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) — *PCW Revision June 12, 2008*

TCEQ

DATES					
Assigned	14-Jul-2008				
PCW	25-Jul-2008	Screening	25-Jul-2008	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	Thompson Water Company, Inc.		
Reg. Ent. Ref. No.	RN102329752		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	36266	No. of Violations	1
Docket No.	2008-1214-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	No
Multi-Media		Enf. Coordinator	Lauren Smitherman
		EC's Team	Enforcement Team 1

Admin. Penalty $ Limit Minimum $0 Maximum $10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* — $12,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 35.0% Enhancement — *Subtotals 2, 3, & 7* — $4,375

Notes: Enhancement due to seven NOVs containing same or similar violations.

Culpability — No — 0.0% Enhancement — *Subtotal 4* — $0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply Total Adjustments — *Subtotal 5* — $0

Economic Benefit — 0.0% Enhancement* — *Subtotal 6* — $0

Total EB Amounts $787
Approx. Cost of Compliance $7,500

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* — $16,875

OTHER FACTORS AS JUSTICE MAY REQUIRE — -2.2% — *Adjustment* — -$375

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommended reduction to prevent double-enhancement for violations that were self-reported.

Final Penalty Amount — $16,500

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* — $16,500

DEFERRAL — 20.0% Reduction — *Adjustment* — -$3,300

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY — $13,200

Screening Date 25-Jul-2008 **Docket No.** 2008-1214-MWD-E **PCW**

Respondent Thompson Water Company, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36266 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102329752

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

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*)	7	35%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

		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) 35%

>> 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

Enhancement due to seven NOVs containing same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 35%

Screening Date 25-Jul-2008 **Docket No.** 2008-1214-MWD-E **PCW**

Respondent Thompson Water Company, Inc. *Policy Revision 2 (September 2002)*

Case ID No. 36266 *PCW Revision June 12, 2008*

Reg. Ent. Reference No. RN102329752

Media [Statute] Water Quality

Enf. Coordinator Lauren Smitherman

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0011508001, Effluent and Monitoring Requirements Nos.1 and 6

Violation Description Failed to comply with the permitted effluent limitations, as documented during a record review on June 12, 2008, as shown in the attached violation table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Major	Moderate	Minor
Actual		x	
Potential			

Harm

Percent 25%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Dissolved oxygen and fecal coliform were also considered. As a result of these discharges, human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment $7,500

$2,500

Violation Events

Number of Violation Events 5 152 Number of violation days

mark only one with an x

daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $12,500

Five monthly events are recommended.

Good Faith Efforts to Comply

0.0% Reduction $0

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

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

Violation Subtotal $12,500

Economic Benefit (EB) for this violation

Estimated EB Amount $787

Statutory Limit Test

Violation Final Penalty Total $16,500

This violation Final Assessed Penalty (adjusted for limits) $16,500

Economic Benefit Worksheet

Respondent Thompson Water Company, Inc.
Case ID No. 36266
Reg. Ent. Reference No. RN102329752
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.00	$0	$0	$0
Buildings				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Engineering/construction	$7,500	31-Jan-2008	31-Jul-2009	1.50	$37	$749	$787
Land				0.00	$0	n/a	$0
Record Keeping System				0.00	$0	n/a	$0
Training/Sampling				0.00	$0	n/a	$0
Remediation/Disposal				0.00	$0	n/a	$0
Permit Costs				0.00	$0	n/a	$0
Other (as needed)				0.00	$0	n/a	$0
Notes for DELAYED costs	Estimated costs to perform an engineering study to identify problems related to the treatment system ($5,000) and actual cost to add enzymes as treatment for fecal coliform ($2,500). Date required is the initial date of non-compliance. Final date is the expected date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.00	$0	$0	$0
Personnel				0.00	$0	$0	$0
Inspection/Reporting/Sampling				0.00	$0	$0	$0
Supplies/equipment				0.00	$0	$0	$0
Financial Assurance [2]				0.00	$0	$0	$0
ONE-TIME avoided costs [3]				0.00	$0	$0	$0
Other (as needed)				0.00	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$7,500	TOTAL	$787

EFFLUENT VIOLATION TABLE				
Thompson Water Company, Inc.				
TPDES Permit No. WQ0011508001				
Docket No. 2008-1214-MWD-E				
	DO Monthly Min.	BOD5 Daily Avg. Conc.	Fecal Coliform Daily Avg. Conc.	Fecal Coliform Single Grab Max. Conc.
Months	Limit = 4.0 mg/L	Limit = 30 mg/L	Limit =200 CFU/100 mL	Limit = 800 CFU/100 mL
1/31/2008	c	c	18,570	390,000
2/29/2008	c	c	113,300	150,000
3/31/2008	c	37.1	12,800	60,000
4/30/2008	3.1	c	1,000	21,000
5/31/2008	3.1	c	7,700	4,000
avg. = average		max. = maximum		
c = compliant		mg/L = milligrams per liter		
conc. = concentration		DO = dissolved oxygen		
min. = minimum		BOD5 = biochemical oxygen demand		
CFU = colony forming units				

Compliance History

Customer/Respondent/Owner-Operator:	CN603001843	Thompson Water Company, Inc.	Classification: AVERAGE	Rating: 0.18
Regulated Entity:	RN102329752	THOMPSON WATER AND CONSTRUCTION WWTP	Classification: AVERAGE	Site Rating: 0.18

ID Number(s):	WASTEWATER	PERMIT	WQ0011508001
	WASTEWATER	PERMIT	TPDES0120006
	WASTEWATER	PERMIT	TX0120006
	WASTEWATER LICENSING	LICENSE	WQ0011508001

Location: APPRX 0.2 MILE E NE OF INTX OF US HWY 84 AND FM 1580, FREESTONE CO, TX

Rating Date: 9/1/2007 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: July 23, 2008

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: July 23, 2003 to July 23, 2008

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

Name: Lauren Smitherman Phone: 512-239-5223

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/23/2003	(328066)
2	09/25/2003	(328067)
3	09/25/2003	(328068)
4	12/10/2003	(328069)
5	12/10/2003	(328070)
6	12/17/2003	(328071)
7	02/25/2004	(328062)
8	02/25/2004	(328072)
9	03/10/2004	(328063)
10	05/27/2004	(367425)
11	05/27/2004	(367426)
12	08/16/2004	(367427)
13	08/16/2004	(367428)
14	08/20/2004	(367429)
15	09/29/2004	(367430)
16	10/18/2004	(367431)
17	12/15/2004	(390281)
18	12/15/2004	(390282)
19	01/10/2005	(390283)
20	03/23/2005	(390279)
21	03/23/2005	(390280)
22	06/02/2005	(427744)
23	06/13/2005	(427745)
24	06/14/2005	(427746)

25 10/03/2005 (492970)
26 10/03/2005 (492971)
27 10/05/2005 (492972)
28 11/28/2005 (492973)
29 11/28/2005 (492974)
30 12/19/2005 (492975)
31 01/19/2006 (492976)
32 05/15/2006 (506538)
33 05/15/2006 (506539)
34 05/25/2006 (506540)
35 10/25/2006 (551971)
36 10/25/2006 (551972)
37 10/27/2006 (551973)
38 11/09/2006 (551975)
39 11/13/2006 (551976)
40 11/13/2006 (551977)
41 11/20/2006 (551974)
42 02/05/2007 (531176)
43 02/15/2007 (589341)
44 02/15/2007 (589342)
45 03/24/2008 (637085)

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

Date 01/26/2007 (531176)

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT MON. & RPT REQUIREMENTS NO.1 P4
Description: Failure by the permittee to submit accurate discharge monitoring reports (DMRs).

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Lim. and Mon. Rq., No. 1 Pg. 2
Description: Failure to discharge effluent in compliance with permitted effluent limitations.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Eff Lim and Mon Rq, No. 1 Pg. 2a
Description: Failure by the regulated entity to measure the flow according permit requirements.

Self Report? NO Classification Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT Operational Req. No. 1 P.9
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT Operational Req. No. 1 Pg. 9
Description: Failure by the permittee to properly operate and maintain all systems of collection, treatment, and disposal.

Date 01/31/2008

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.126(a)
Description: Failure to meet the limit for one or more permit parameters.

Date 02/29/2008

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.126(a)
Description: Failure to meet the limit for one or more permit parameters.

Date 03/31/2008

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.126(a)
Description: Failure to meet the limit for one or more permit parameters.

Date 04/30/2008

Self Report? YES Classification Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.126(a)

Description: Failure to meet the limit for one or more permit parameters.

Date 05/31/2008

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.126(a)

Description: Failure to meet the limit for one or more permit parameters.

Date 06/30/2008

Self Report? YES Classification Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.126(a)

Description: Failure to meet the limit for one or more permit parameters.

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
THOMPSON WATER COMPANY,	§	
INC.	§	
RN102329752	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2008-1214-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Thompson Water Company, Inc. ("the Respondent") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the Respondent appear before the Commission and together stipulate that:

1. The Respondent owns and operates a wastewater treatment plant located approximately 0.2 mile east-northeast of the intersection of United States Highway 84 and Farm-to-Market Road 1580 in Freestone County, Texas (the "Facility").

2. The Respondent has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and the Respondent agree that the Commission has jurisdiction to enter this Agreed Order, and that the Respondent is subject to the Commission's jurisdiction.

4. The Respondent received notice of the violations alleged in Section II ("Allegations") on or about July 13, 2008.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the Respondent of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Sixteen Thousand Five Hundred Dollars ($16,500) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The Respondent has paid Nine Hundred Fifty Dollars ($950) of the administrative penalty and Three Thousand Three Hundred Dollars ($3,300) is deferred contingent upon the Respondent's timely and satisfactory compliance with all the terms of this Agreed Order. If the Respondent fails to timely and satisfactorily comply with all requirements of this Agreed Order, including the payment schedule, the Executive Director may require the Respondent to pay all or part of the deferred penalty.

   The remaining amount of Twelve Thousand Two Hundred Fifty Dollars ($12,250) of the administrative penalty shall be payable in 35 monthly payments of Three Hundred Fifty Dollars ($350) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the Respondent fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the Respondent to meet the payment schedule of this Agreed Order constitutes the failure by the Respondent to timely and satisfactorily comply with all the terms of this Agreed Order.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the Respondent have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the Respondent has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the Respondent is alleged to have failed to comply with the permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0011508001, Effluent and Monitoring Requirements Nos. 1 and 6, as documented during a record review on June 12, 2008, and shown in the following table:

EFFLUENT VIOLATION TABLE				
	DO Monthly Min.	BOD_5 Daily Avg. Conc.	Fecal Coliform Daily Avg. Conc.	Fecal Coliform Single Grab Max. Conc.
Months	Limit = 4.0 mg/L	Limit = 30 mg/L	Limit = 200 CFU/100 mL	Limit = 800 CFU/100 mL
1/31/2008	c	c	18,570	390,000
2/29/2008	c	c	113,300	150,000
3/31/2008	c	37.1	12,800	60,000
4/30/2008	3.1	c	1,000	21,000
5/31/2008	3.1	c	7,700	4,000
avg. = average		max. = maximum		
c = compliant		mg/L = milligrams per liter		
conc. = concentration		DO = dissolved oxygen		
min. = minimum		BOD_5 = biochemical oxygen demand		
CFU = colony forming units				

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the Respondent pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the Respondent'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: Thompson Water Company, Inc., Docket No. 2008-1214-MWD-E" to:

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

2. It is further ordered that the Respondent shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0011508001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

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. If the Respondent fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the Respondent's failure to comply is not a violation of this Agreed Order. The Respondent shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The Respondent shall notify the Executive Director within seven days after the Respondent becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.

6. 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.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the Respondent, or three days after the date on which the Commission mails notice of the Order to the Respondent, 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

John Sadler
For the Executive Director

5/5/2009
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.

Charles W. Phillips
Signature

4-10-09
Date

CHARLES W. PHILLIPS
Name (Printed or typed)
Authorized Representative of
Thompson Water Company, Inc.

Director
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.