

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2009-1028-PWS-E **TCEQ ID:** RN101193167 **CASE NO.:** 37898
RESPONDENT NAME: International A.L.E.R.T. Academy

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: International ALERT Academy, located two miles southwest of the Lake Loma dam and west of the Academy airfield, Upshur County</p> <p>TYPE OF OPERATION: Surface water treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" 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 January 4, 2010. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Epifanio Villarreal, Enforcement Division, Enforcement Team 2, MC R-14, (361) 825-3425; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387 Respondent: Mr. John Tanner, Registered Agent/Director, International A.L.E.R.T. Academy, 1 Academy Boulevard, Big Sandy, Texas 75755-5509 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" 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 20, 2009</p> <p>Date of NOV/NOE Relating to this Case: June 18, 2009 (NOE)</p> <p>Background Facts: This was a record review.</p> <p>WATER</p> <p>1) Failure to provide containment facilities for a single container or for multiple interconnected containers large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less [30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I)].</p> <p>2) Failure to maintain the Facility's storage tanks so that they are painted, covered, and disinfected in accordance with American Water Works Association ("AWWA") standards [30 TEX. ADMIN. CODE § 290.43(c)(8)].</p> <p>3) Failure to achieve the turbidity levels of combined filter effluent that is less than 1.0 nephelometric turbidity unit ("NTU") and less than 0.3 NTU in at least 95% of samples tested each month, and less than 5.0 NTU in combined filter effluent [30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and (B), and (i)(3), and TEX. HEALTH & SAFETY CODE § 341.0315(c)].</p> <p>4) Failure to timely submit a Surface Water Monthly Operating Report for the month of November 2007 [30 TEX. ADMIN. CODE § 290.111(h)(2) and (11)].</p> <p>5) Failure to correct the performance-limiting factors identified in the July 2008</p>	<p>Total Assessed: \$9,062</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>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 full payable penalty in accordance with the installment schedule detailed below.</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$278 (remaining \$8,784 due in 36 monthly payments of \$244 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. As of December, 2007, achieved compliance with the turbidity levels of combined filter effluent at the Facility;</p> <p>b. As of December 28, 2007, submitted Surface Water Monthly Operating Report for the month of November 2007;</p> <p>c. On July 3, 2009, provided an operable flow measuring device to measure the treated water used to backwash the filters; and</p> <p>d. On May 22, 2009, provided the secondary containment for the liquid ammonium sulphate day tank that will hold 130% of the total volume of the tank.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Repair the Facility's concrete storage tanks so that they meet AWWA standards; and</p> <p>ii. Begin monitoring continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes.</p> <p>b. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation to demonstrate compliance with Ordering Provision a.</p> <p>c. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Submit a detailed report addressing the corrective measures taken to correct the performance-limiting factors, including but not limited to submitting plans to the</p>

<p>Mandatory Comprehensive Performance Evaluation ("MCPE") corrective action plan ("CAP") [30 TEX. ADMIN. CODE § 290.111(i)(7)].</p> <p>6) Failure to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition [30 TEX. ADMIN. CODE § 290.46(m)(4)].</p> <p>7) Failure to monitor continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes [30 TEX. ADMIN. CODE § 290.111(e)(5)(C)].</p>		<p>TCEQ for installation of proper rate-of-flow control systems for both filters, submitting plans to the Commission for installation of backwash facilities, installing the backwash facilities in accordance with the plans approved by the TCEQ, submitting plans and specifications for filter renovations, refurbishing the filter media beds in accordance with the plans approved by the TCEQ, developing, documenting and implementing a standard operating procedure for ensuring that all laboratory and monitoring equipment used to report compliance data is calibrated in the manner and at intervals required by the manufacturer or the Commission, and revising the manganese reduction protocol to provide adequate removal of the manganese prior to entering the clearwell; and</p> <p>ii. Repair the leak on the valve located between the clarifier and the filters.</p> <p>d. Within 195 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision c.</p>
--	--	---

Additional ID No(s): PWS ID No. 2300009

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision October 30, 2008

DATES	Assigned	22-Jun-2009	Screening	3-Jul-2009	EPA Due	11-Jan-2008
	PCW	8-Oct-2009				

RESPONDENT/FACILITY INFORMATION	
Respondent	International A.L.E.R.T. Academy
Reg. Ent. Ref. No.	RN101193167
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	37898	No. of Violations	7
Docket No.	2009-1028-PWS-E	Order Type	Findings
Media Program(s)	Public Water Supply	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Epifanio Villarreal
		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 \$6,360
ADJUSTMENTS (+/-) TO SUBTOTAL 1	
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>	
Compliance History	Subtotals 2, 3, & 7 \$3,943
Notes	The penalty enhancement is due to eight prior NOVs for violations that are the same as or similar to the violations in the current enforcement action, one dissimilar NOV, and one agreed final enforcement order containing a denial of liability.
Culpability	Subtotal 4 \$0
Notes	The Respondent does not meet the culpability criteria.
Good Faith Effort to Comply Total Adjustments	Subtotal 5 \$1,275
Economic Benefit	Subtotal 6 \$0
Total EB Amounts	\$1,454
Approx. Cost of Compliance	\$18,240
<small>*Capped at the Total EB \$ Amount</small>	
SUM OF SUBTOTALS 1-7	Final Subtotal \$9,028
OTHER FACTORS AS JUSTICE MAY REQUIRE	Adjustment \$0
Notes	
	Final Penalty Amount \$9,028
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty \$9,062
DEFERRAL	Adjustment \$0
Notes	No deferral is recommended for Findings Orders.
PAYABLE PENALTY	\$9,062

Screening Date: 3-Jul-2009

Docket No.: 2009-1028-PWS-E

PCW

Respondent: International A.L.E.R.T. Academy

Policy Revision 2 (September 2002)

Case ID No.: 37898

PCW Revision October 30, 2008

Reg. Ent. Reference No.: RN101193167

Media [Statute]: Public Water Supply

Enf. Coordinator: Epifanio Villarreal

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	8	40%
	Other written NOVs	1	2%
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) 62%

>> 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 penalty enhancement is due to eight prior NOVs for violations that are the same as or similar to the violations in the current enforcement action, one dissimilar NOV, and one agreed final enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 62%

Screening Date: 3-Jul-2009	Docket No.: 2009-1028-PWS-E	PCW		
Respondent: International A.L.E.R.T. Academy	<i>Policy Revision 2 (September 2002)</i>			
Case ID No.: 37898	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.: RN101193167				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Epifanio Villarreal				
Violation Number: 1				
Rule Cite(s):	30 Tex. Admin. Code § 290.42(f)(1)(E)(ii)(I)			
Violation Description:	Failed to provide containment facilities for a single container or for multiple interconnected containers large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less. Specifically, at the time of the record review, it was documented that the secondary containment for the liquid ammonium sulphate ("LAS") day tank was not adequate in size to hold 110% of the volume of the tank.			
Base Penalty:		\$1,000		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
Percent				10%
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
Percent				0%
Matrix Notes:	Failure to provide secondary containment could expose employees of the Facility to a significant amount of chemical contamination which would not exceed levels that are protective of human health.			
Adjustment:				\$900
				\$100
Violation Events				
Number of Violation Events:		1	Number of violation days: 44	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			
Violation Base Penalty:				\$100
One quarterly event is recommended from the date of the record review, May 20, 2009, to the date of screening, July 3, 2009.				
Good Faith Efforts to Comply		25.0% Reduction		
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary	x			
N/A		<i>(mark with x)</i>		
Notes:	The Respondent achieved compliance as of May 22, 2009.			
Violation Subtotal:				\$75
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount:				\$0
Violation Final Penalty Total:				\$137
This violation Final Assessed Penalty (adjusted for limits):				\$137

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$140	20-May-2009	22-May-2009	0.01	\$0	\$0	\$0
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: The delayed costs include the actual amount to provide an adequate secondary containment for the LAS day tank, calculated from the day of the record review to the 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				0.00	\$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	\$140	TOTAL	\$0
----------------------------	-------	--------------	-----

Screening Date 3-Jul-2009	Docket No. 2009-1028-PWS-E	PCW														
Respondent International A.L.E.R.T. Academy	<i>Policy Revision 2 (September 2002)</i>															
Case ID No. 37898	<i>PCW Revision October 30, 2008</i>															
Reg. Ent. Reference No. RN101193167																
Media [Statute] Public Water Supply																
Enf. Coordinator Epifanio Villarreal																
Violation Number 2																
Rule Cite(s)	30 Tex. Admin. Code § 290.43(c)(8)															
Violation Description	Failed to maintain the Facility's storage tanks so that they are painted, covered, and disinfected in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the record review, it was documented that the exterior surfaces of the roofs on the three concrete storage tanks were deteriorated to a point that the concrete was flaking off.															
	Base Penalty	\$1,000														
>> Environmental, Property and Human Health Matrix																
OR	Harm															
	Major Moderate Minor															
Release																
Actual	<input type="checkbox"/>	<input type="checkbox"/>														
Potential	<input type="checkbox"/>	<input checked="" type="checkbox"/>														
	Percent	10%														
>> Programmatic Matrix																
	Falsification Major Moderate Minor															
	<input type="checkbox"/>	<input type="checkbox"/>														
	<input type="checkbox"/>	<input type="checkbox"/>														
	<input type="checkbox"/>	<input type="checkbox"/>														
	<input type="checkbox"/>	<input type="checkbox"/>														
Matrix Notes	Failure to maintain storage tanks in accordance with AWWA standards could compromise the sanitary nature of the drinking water and expose customers of the water supply to a significant amount of contaminants that would not exceed levels protective of human health.															
	Adjustment	\$900														
		\$100														
Violation Events																
Number of Violation Events	3	Number of violation days														
	44															
mark only one with an x	<table border="1" style="width:100%; border-collapse: collapse;"> <tr><td>daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>weekly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	weekly	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	Violation Base Penalty
daily	<input type="checkbox"/>															
weekly	<input type="checkbox"/>															
monthly	<input type="checkbox"/>															
quarterly	<input checked="" type="checkbox"/>															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															
		\$300														
	Three quarterly events (one per tank) are recommended from the date of the record review, May 20, 2009, to the screening date, July 3, 2009.															
Good Faith Efforts to Comply																
	0.0% Reduction	\$0														
	Before NOV NOV to EDRP/Settlement Offer															
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>														
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>														
N/A	<input checked="" type="checkbox"/>	(mark with x)														
Notes	The Respondent does not meet the good faith criteria for this violation.															
	Violation Subtotal	\$300														
Economic Benefit (EB) for this violation																
Statutory Limit Test																
Estimated EB Amount	\$91	Violation Final Penalty Total														
		\$486														
	This violation Final Assessed Penalty (adjusted for limits)															
		\$486														

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$1,500	20-May-2009	1-Apr-2010	0.87	\$4	\$87	\$91
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 The delayed costs include the estimated amount to resurface the concrete storage tanks (\$500 per tank), calculated from the date of the record review 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				0.00	\$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	\$1,500	TOTAL	\$91
-----------------------------------	---------	--------------	------

Screening Date	3-Jul-2009	Docket No.	2009-1028-PWS-E	PCW
Respondent	International A.L.E.R.T. Academy	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	37898	<i>PCW Revision October 30, 2008</i>		
Reg. Ent. Reference No.	RN101193167			
Media [Statute]	Public Water Supply			
Enf. Coordinator	Epifanio Villarreal			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code § 290.111(e)(1)(A) and (B), and (f)(3); and Tex. Health & Safety Code § 341.0315(c)			
Violation Description	<p>Failed to achieve the turbidity levels of combined filter effluent that is less than 1.0 nephelometric turbidity unit ("NTU") and less than 0.3 NTU in at least 95% of samples tested each month, and less than 5.0 NTU in combined filter effluent. Specifically, a review of the surface water monthly operating reports revealed that the combined filter effluent turbidity readings exceeded 1.0 NTU for six days in July 2007 and 10 days in August 2007, and turbidity readings exceeded 5.0 NTU for one day in July 2007 and one day in November 2007. Additionally, 27.8% of the turbidity readings were above 0.3 NTU in July 2007 and 82.9% were above 0.3 NTU in August 2007.</p>			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential	x			Percent 25%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
Actual				
Potential				Percent 0%
Matrix Notes	Failure to maintain the required turbidity levels could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.			
Adjustment				\$750
				\$250
Violation Events				
Number of Violation Events		20	Number of violation days	
		91		
mark only one with an x	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x	Violation Base Penalty \$6,000	
Twenty single events are recommended, one for each exceedance of the NTU requirement.				
Good Faith Efforts to Comply		25.0% Reduction	\$1,250	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary	x			
N/A		(mark with x)		
Notes	The Respondent achieved compliance as of December 2007.			
Violation Subtotal				\$3,750
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount		\$0	Violation Final Penalty Total \$8,850	
This violation Final Assessed Penalty (adjusted for limits)				\$8,850

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No: 37898
Reg. Ent. Reference No: RN101193167
Media: Public Water Supply
Violation No: 3

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
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 for this violation are being addressed in violation no. 5.

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				0.00	\$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

\$0

TOTAL

\$0

Screening Date	3-Jul-2009	Docket No.	2009-1028-PWS-E	PCW	
Respondent	International A.L.E.R.T. Academy		<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	37898	<i>PCW Revision October 30, 2008</i>			
Reg. Ent. Reference No.	RN101193167				
Media [Statute]	Public Water Supply				
Enf. Coordinator	Eplfanio Villarreal				
Violation Number	4				
Rule Cite(s)	30 Tex. Admin. Code § 290.111(h)(2) and (11)				
Violation Description	Failed to timely submit a Surface Water Monthly Operating Report for the month of November 2007. Specifically, the report was due on December 10, 2007, and was submitted on December 28, 2007.				
Base Penalty				\$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	
				0%	
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
					Percent
					1%
Matrix Notes	Less than 30% of the rule requirements were not met.				
Adjustment				\$990	
				\$10	
Violation Events					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="18"/>			
mark only one with an x	daily	<input type="text"/>			
	weekly	<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	
				\$10	
One single event is recommended.					
Good Faith Efforts to Comply					
		0.0% Reduction	\$0		
		Before NOV	NOV to EDPRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="checkbox"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
Violation Subtotal				\$10	
Economic Benefit (EB) for this violation					
Estimated EB Amount		<input type="text" value="\$0"/>	Statutory Limit Test		
		Violation Final Penalty Total		\$16	
This violation Final Assessed Penalty (adjusted for limits)				\$50	

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System	\$100	10-Dec-2007	28-Dec-2007	0.05	\$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

The delayed costs include the estimated amount to timely submit a surface water monthly report, calculated for the time the violation occurred to the date the report was submitted.

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				0.00	\$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

\$100

TOTAL

\$0

Screening Date:	3-Jul-2009	Docket No.:	2009-1028-PWS-E	PCW
Respondent:	International A.L.E.R.T. Academy	Policy Revision 2 (September 2002)		
Case ID No.:	37898	PCW Revision October 30, 2008		
Reg. Ent. Reference No.:	RN101193167			
Media [Statute]:	Public Water Supply			
Enf. Coordinator:	Epifanio Villarreal			

Violation Number: 5

Rule Cite(s): 30 Tex. Admin. Code § 290.111(i)(7)

Violation Description

Failed to correct the performance-limiting factors identified in the July 2008 Mandatory Comprehensive Performance Evaluation ("MCPE") corrective action plan ("CAP"). Specifically, at the time of the record review, it was documented that the Respondent was delinquent on the following eight corrective actions of the MCPE CAP: 1) submit plans to the TCEQ for installation of proper rate-of-flow control systems for both filters; 2) submit plans to the Commission for installation of backwash facilities; 3) install the backwash facilities in accordance with the plans approved by the TCEQ; 4) submit plans and specifications for filter renovations; 5) refurbish the filter media beds in accordance with the plans approved by the TCEQ; 6) install flow meters at all required locations; 7) develop, document and implement a standard operating procedure for ensuring that all laboratory and monitoring equipment used to report compliance data is calibrated in the manner and at intervals required by the manufacturer or the Commission; and 8) revise the manganese reduction protocol to provide adequate removal of the manganese prior to entering the clearwell.

Base Penalty: \$1,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential		X	

Percent: 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent: 0%

Matrix Notes

Failure to correct performance-limiting factors identified in MCPE CAP could result in customers of the water system being exposed to a significant amount of contaminants which would not exceed levels that are protective of human health.

Adjustment: \$900

Violation Events

8 44 Number of violation days

mark only one with an x

daily	
weekly	
monthly	
quarterly	
semiannual	
annual	
single event	X

Violation Base Penalty: \$800

Eight single events (one per corrective action) are recommended from the date of the record review, May 20, 2009, to the screening date, July 3, 2009.

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: \$800

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount: \$1,260

Violation Final Penalty Total: \$1,298

This violation Final Assessed Penalty (adjusted for limits): \$1,298

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
Media: Public Water Supply
Violation No.: 5

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

Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount	
Equipment	\$10,000	20-May-2009	1-Aug-2010	1.20	\$40	\$800	\$840
Buildings			0.00	\$0	\$0	\$0	
Other (as needed)	\$5,000	20-May-2009	1-Aug-2010	1.20	\$20	\$400	\$420
Engineering/construction			0.00	\$0	\$0	\$0	
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

The delayed costs include the amount to correct performance-limiting factors identified in the MCPE CAP, calculated from the date of the record review to the estimated date of compliance.

Avoided Costs

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

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

\$15,000

TOTAL

\$1,260

Screening Date: 9-Jul-2009		Docket No.: 2009-1028-PWS-E		PCW
Respondent: International A.L.E.R.T. Academy			<i>Policy Revision 2 (September 2002)</i>	
Case ID No.: 37898			<i>PCW Revision October 30, 2008</i>	
Reg. Ent. Reference No.: RN101193167				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Epifanio Villarreal				
Violation Number	6			
Rule Cite(s)	30 Tex. Admin. Code 290.46(m)(4)			
Violation Description	Failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the record review, it was documented that a leak was observed on the valve located between the clarifier and the filters.			
Base Penalty				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Major	Moderate	Minor	
Release				
Actual				
Potential		x		Percent 10%
>> Programmatic Matrix				
	Major	Moderate	Minor	
Falsification				
Actual				
Potential				Percent 0%
Matrix Notes	Failure to maintain the water system in a watertight condition could allow a significant amount of contaminants to enter the water system, which would not exceed levels protective of human health.			
Adjustment				\$900
				\$100
Violation Events				
	1	44	Number of violation days	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly	x		Violation Base Penalty \$100
	semiannual			
	annual			
	single event			
One quarterly event is recommended from the date of the investigation, May 20, 2009, to the date of screening, July 3, 2009.				
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				\$100
Economic Benefit (EB) for this violation				
Estimated EB Amount		\$61	Statutory Limit Test	
Violation Final Penalty Total				\$162
This violation Final Assessed Penalty (adjusted for limits)				\$162

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$1,000	20-May-2009	1-Apr-2010	0.87	\$3	\$58	\$61
Engineering/construction				0.00	\$0	\$0	\$0
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

The delayed cost includes the estimated amount to repair the valve leak, calculated from the date of the record review to the estimated 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

\$1,000

TOTAL

\$61

Screening Date: 3-Jul-2009		Docket No.: 2009-1028-PWS-E		PCW
Respondent: International A.L.E.R.T. Academy			Policy Revision 2 (September 2002)	
Case ID No.: 37898			PCW Revision October 30, 2008	
Reg. Ent. Reference No.: RN101193187				
Media [Statute]: Public Water Supply				
Enf. Coordinator: Epifanio Villarreal				
Violation Number: 7				
Rule Cite(s):		30 Tex. Admin. Code 290.111(e)(5)(C)		
Violation Description:		Failed to monitor continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes. Specifically, it was documented that the operator stated that the supervisory control and data acquisition system ("SCADA") was currently recording data at five minute intervals. However, the most recent data that was recorded that could be reviewed was from May 2008. Historical data after May 2008 was not available for review due to problems with the SCADA software.		
Base Penalty:				\$1,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Percent				5%
>> Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
Percent				0%
Matrix Notes		Failure to monitor continuous turbidity could allow customers of the water supply to be exposed to an insignificant amount of contaminants that would not exceed levels protective of human health.		
Adjustment:				\$950
\$50				
Violation Events				
Number of Violation Events:		1	Number of violation days:	
		44		
mark only one with an x	daily	<input type="checkbox"/>		
	weekly	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	<input type="checkbox"/>		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
single event	<input checked="" type="checkbox"/>			
Violation Base Penalty:				\$50
One single event is recommended.				
Good Faith Efforts to Comply				
		0.0% Reduction		
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>		
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>		
N/A	<input checked="" type="checkbox"/>	(mark with x)		
Notes:		The Respondent does not meet the good faith criteria for this violation.		
Violation Subtotal:				\$50
Economic Benefit (EB) for this violation				
Statutory Limit Test				
Estimated EB Amount:		\$42	Violation Final Penalty Total:	
			81	
This violation Final Assessed Penalty (adjusted for limits):				81

Economic Benefit Worksheet

Respondent: International A.L.E.R.T. Academy
Case ID No.: 37898
Reg. Ent. Reference No.: RN101193167
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
No commas or \$							

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$500	20-May-2009	1-Aug-2010	1.20	\$2	\$40	\$42
Engineering/construction				0.00	\$0	\$0	\$0
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

The delayed cost includes the estimated amount to repair and make adjustments to the SCADA software, calculated from the date of the record review 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				0.00	\$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

\$500

TOTAL

\$42

Compliance History Report

Customer/Respondent/Owner-Operator:	CN601246671 International A.L.E.R.T. Academy	Classification: AVERAGE	Rating: 3.01
Regulated Entity:	RN101193167 INTERNATIONAL ALERT ACADEMY	Classification: AVERAGE BY DEFAULT	Site Rating: 3.01
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2300009
	PETROLEUM STORAGE TANK REGISTRATION	REGISTRATION	1584
	WASTEWATER	PERMIT	WQ0010835001
Location:	2 M SW OF THE LAKE LOMA DAM AND W OF THE ACADEMY AIRFIELD, UPSHUR COUNTY, TX		
TCEQ Region:	REGION 05 - TYLER		
Date Compliance History Prepared:	June 25, 2009		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	June 25, 2004 to June 25, 2009		

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

Name: Yuliya Dunaway Phone: 210-403-4077

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/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

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: 05/28/2006 ADMINORDER 2005-2034-PWS-E
 - Classification: Moderate
 - Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)
 - Description: Failure to comply with Maximum Contaminant Level of 0.080 milligrams per liter ("mg/L") based on a running annual average for total trihalomethanes ("TTHM").
- 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	06/30/2005	(381292)
2	12/02/2005	(402943)
3	07/28/2006	(481919)
4	03/15/2007	(644299)
5	07/20/2007	(567934)
6	10/13/2008	(705116)
7	02/05/2009	(725617)
8	02/09/2009	(726427)
9	02/09/2009	(726441)
10	02/24/2009	(735640)
11	04/21/2009	(723233)
12	06/18/2009	(746569)

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

Date:	07/05/2005	(381292)	CN601246671
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(i)		
Description:	Failure to have all testable backflow prevention devices annually inspected by a certified individual.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide a level indicator for the ground storage tanks.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to establish a 200 feet restricted zone around the intake structure.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to provide backwash line with a flow meter.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)		
Description:	Failure to provide a standby feeder for dry Alum		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)		
Description:	Failure to properly identify each pipe with paint or tape		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)		
Description:	Failure to provide each filter with an on-line turbidimeter		
Date:	07/31/2006	(481919)	CN601246671
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)(i)		
Description:	Failure to have all testable backflow prevention devices annually inspected by a certified individual.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.43(c)(4)		
Description:	Failure to provide a level indicator for the ground storage tanks.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.41(e)(2)(C)		
Description:	Failure to establish a 200 feet restricted zone around the intake structure.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to provide backwash line with a flow meter.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(7)(A)		
Description:	Failure to provide a standby feeder for dry Alum		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)		
Description:	Failure to properly identify each pipe with paint or tape		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)(ii)		
Description:	Failure to provide each filter with an on-line turbidimeter		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(r)		
Description:	Failure to maintain a minimum working pressure of 35 psi throughout the distribution system.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(6)		
Description:	Failure to maintain all valves in water tight condition.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)		
Description:	Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.		
Self Report?	NO		Classification: Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(6)		
Description:	Failure to provide secondary containment.		
Date:	03/15/2007	(644299)	CN601246671
Self Report?	NO		Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.109(f)(4)
 Description: BACT - MONITORING/REPORTING VIOLATIONS
 Date: 07/27/2007 (567934) CN601246671

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide a level indicator for the ground storage tanks.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide backwash line with a flow meter.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to maintain a minimum working pressure of 35 psi throughout the distribution system.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
 Description: Failure to maintain all valves in water tight condition.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
 Description: Failure to calibrate on-line turbidimeters with primary standards at least once every 90 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)
 Description: Failure to provide secondary containment.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
 Description: Failure to record the weekly verification of the on-line turbidimeters.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate flow measuring devices and rate-of-flow controllers required by 30 TAC 290.42(d) regarding surface water treatment at least once every 12 months.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
 Description: Failure to document the verification of the accuracy of manual disinfectant residual analyzers at least once every 30 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
 Description: Failure to calibrate on-line continuous disinfectant residual analyzers with chlorine solutions of known concentrations at least once every 90 days.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
 Description: Failure to check the calibration of continuous disinfectant residual analyzers monthly.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
 Description: Failure to provide an air gap or a backflow prevention device for make-up water supply lines.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
 Description: Failure to equip each filter unit with rate-of-flow indicators.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)
 Description: Failure to properly measure and record the turbidity level of the combined filter effluent.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iii)
 Description: Failure to provide the minimum rate of flow of filter backwash water.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(F)
 Description: Failure to provide facilities to monitor the solids concentration in the slurry of a solids contact clarifier.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
 Description: Failure to provide an adequate backflow prevention assembly.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
 Description: Failure to enclose the storage tanks in an intruder resistant fence.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
 Description: Failure to have automatic plant shutdown and alarms if no Class "C" or higher operator is on duty at the plant.

Date: 09/28/2007 (725617) CN601246671

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
 Description: Failure to provide surface water treatment which ensures that the turbidity level of the combined filter effluent is 0.3 NTU or less in at least 95% of the samples tested each month.

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.111(i)(3)
 Description: Failure to provide surface water treatment which ensures that the turbidity level of the combined filter effluent never exceeds 1.0 NTU. Failure of a public water system using conventional filters to provide water with a turbidity level never exceeding 5.0 NTU.

Date: 10/01/2007 (726427) CN601246671

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(B)
 Description: Failure to provide surface water treatment which ensures that the turbidity level of the combined filter effluent is 0.3 NTU or less in at least 95% of the samples tested each month.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
 Description: Failure to provide surface water treatment which ensures that the turbidity level of the combined filter effluent never exceeds 1.0 NTU.

Date: 12/27/2007 (726441) CN601246671

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.110(e)(2)
 30 TAC Chapter 290, SubChapter F 290.110(e)(5)
 30 TAC Chapter 290, SubChapter F 290.111(h)(11)
 30 TAC Chapter 290, SubChapter F 290.111(h)(2)
 Description: Failure of a public water system that uses a surface water source to submit a Surface Water Monthly Operating report by the tenth day of the month following the end of the reporting period.

Date: 01/07/2008 (726441) CN601246671

Self Report? NO Classification: Major
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(1)(A)
 30 TAC Chapter 290, SubChapter F 290.111(i)(3)
 Description: Failure to provide surface water treatment which ensures that the turbidity level of the combined filter effluent never exceeds 1.0 NTU. Failure of a public water system using conventional filters to provide water with a turbidity level never exceeding 5.0 NTU.

Date: 10/14/2008 (705116) CN601246671

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(4)
 Description: Failure to provide a level indicator for the ground storage tanks.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide backwash line with a flow meter.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(r)
 Description: Failure to maintain a minimum working pressure of 35 psi throughout the distribution system.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(6)
 Description: Failure to maintain all valves in water tight condition.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iii)
 Description: Failure to calibrate on-line turbidimeters with primary standards at least once

every 90 days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(6)
Description: Failure to provide secondary containment.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
Description: Failure to record the weekly verification of the on-line turbidimeters.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
Description: Failure to calibrate flow measuring devices and rate-of-flow controllers required by 30 TAC 290.42(d) regarding surface water treatment at least once every 12 months.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(i)
Description: Failure to document the verification of the accuracy of manual disinfectant residual analyzers at least once every 30 days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
Description: Failure to calibrate on-line continuous disinfectant residual analyzers with chlorine solutions of known concentrations at least once every 90 days.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(iii)
Description: Failure to check the calibration of continuous disinfectant residual analyzers monthly.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(2)(C)
Description: Failure to provide an air gap or a backflow prevention device for make-up water supply lines.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
Description: Failure to equip each filter unit with rate-of-flow indicators.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(E)
Description: Failure to properly measure and record the turbidity level of the combined filter effluent.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(F)(iii)
Description: Failure to provide the minimum rate of flow of filter backwash water.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(F)
Description: Failure to provide facilities to monitor the solids concentration in the slurry of a solids contact clarifier.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(1)
Description: Failure to provide an adequate backflow prevention assembly.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: Failure to enclose the storage tanks in an intruder resistant fence.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter D 290.46(e)(6)(C)
Description: Failure to have automatic plant shutdown and alarms if no Class "C" or higher operator is on duty at the plant.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)
Description: Failure to maintain operating records according to standards.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(i)
Description: Failure to calibrate benchtop pH meters at least once each day.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)(5)(C)
Description: Failure to record the turbidity level readings with either a SCADA or a strip chart.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: Failure to maintain storage tanks in according with AWWA standards.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(2)(C)

Description: Failure to provide the minimum transfer pump capacity.

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
INTERNATIONAL A.L.E.R.T. ACADEMY
RN101193167**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2009-1028-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 International A.L.E.R.T. Academy ("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 surface water treatment plant two miles southwest of the Lake Loma dam and west of the Academy airfield, Upshur County, Texas (the "Facility") that has approximately 100 service connections and serves at least 25 people per day for at least 60 days per year.

2. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not provide containment facilities for a single container or for multiple interconnected containers large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less. Specifically, at the time of the record review, it was documented that the secondary containment for the liquid ammonium sulphate ("LAS") day tank was not adequate in size to hold 110% of the volume of the tank.
3. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not maintain the Facility's storage tanks so that they are painted, covered, and disinfected in accordance with American Water Works Association ("AWWA") standards. Specifically, at the time of the record review, it was documented that the exterior surfaces of the roofs on the three concrete storage tanks were deteriorated to a point that the concrete was flaking off.
4. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not achieve the turbidity levels of combined filter effluent that is less than 1.0 nephelometric turbidity unit ("NTU") and less than 0.3 NTU in at least 95% of samples tested each month, and less than 5.0 NTU in combined filter effluent. Specifically, a review of the surface water monthly operating reports revealed that the combined filter effluent turbidity readings exceeded 1.0 NTU for six days in July 2007 and 10 days in August 2007, and turbidity readings exceeded 5.0 NTU for one day in July 2007 and one day in November 2007. Additionally, 27.3% of the turbidity readings were above 0.3 NTU in July 2007 and 82.9% were above 0.3 NTU in August 2007.
5. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not timely submit a Surface Water Monthly Operating Report for the month of November 2007. Specifically, the report was submitted on December 28, 2007.
6. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not to correct the performance-limiting factors identified in the July 2008 Mandatory Comprehensive Performance Evaluation ("MCPE") corrective action plan ("CAP"). Specifically, at the time of the record review, it was documented that the Respondent was delinquent on the following eight corrective actions of the MCPE CAP: 1) submit plans to the TCEQ for installation of proper rate-of-flow control systems for both filters; 2) submit plans to the Commission for installation of backwash facilities; 3) install the backwash facilities in accordance with the plans approved by the TCEQ; 4) submit plans and specifications for filter renovations; 5) refurbish the filter media beds in accordance with the plans approved by the TCEQ; 6) install flow meters at all required locations; 7) develop, document and implement a standard operating procedure for ensuring that all laboratory and monitoring equipment used to report compliance data is calibrated in the manner and at intervals required by the manufacturer or the Commission; and 8) revise the manganese reduction protocol to provide adequate removal of the manganese prior to entering the clearwell.
7. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition. Specifically, at the time of the record review,

it was documented that a leak was observed on the valve located between the clarifier and the filters.

8. During a record review on May 20, 2009, TCEQ staff documented that the Respondent did not monitor continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes. Specifically, it was documented that the operator stated that the supervisory control and data acquisition system ("SCADA") was currently recording data at five minute intervals. However, the most recent data that was recorded that could be reviewed was from May 2008. Historical data after May 2008 was not available for review due to problems with the SCADA software.
9. The Respondent received notice of the violations on June 23, 2009.
10. The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:
 - a. As of December, 2007, achieved compliance with the turbidity levels of combined filter effluent at the Facility;
 - b. As of December 28, 2007, submitted Surface Water Monthly Operating Report for the month of November 2007;
 - c. On July 3, 2009, provided an operable flow measuring device to measure the treated water used to backwash the filters; and
 - d. On July 3, 2009, provided the secondary containment for the LAS day tank that will hold 130% of the total volume of the tank.

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, the Respondent failed to provide containment facilities for a single container or for multiple interconnected containers large enough to hold the maximum amount of chemical that can be stored with a minimum freeboard of six vertical inches or to hold 110% of the total volume of the container(s), whichever is less, in violation of 30 TEX. ADMIN. CODE § 290.42(f)(1)(E)(ii)(I).
3. As evidenced by Findings of Fact No. 3, the Respondent failed to maintain the Facility's storage tanks so that they are painted, covered, and disinfected in accordance with AWWA standards, in violation of 30 TEX. ADMIN. CODE § 290.43(c)(8).
4. As evidenced by Findings of Fact No. 4, the Respondent failed to achieve the turbidity levels of combined filter effluent that is less than 1.0 NTU and less than 0.3 NTU in at least 95% of

samples tested each month, and less than 5.0 NTU in combined filter effluent, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(1)(A) and (B), and (i)(3), and TEX. HEALTH & SAFETY CODE § 341.0315(c).

5. As evidenced by Findings of Fact No. 5, the Respondent failed to timely submit a Surface Water Monthly Operating Report for the month of November 2007, in violation of 30 TEX. ADMIN. CODE § 290.111(h)(2) and (11).
6. As evidenced by Findings of Fact No. 6, the Respondent failed to correct the performance-limiting factors identified in the July 2008 MCPE CAP, in violation of 30 TEX. ADMIN. CODE § 290.111(i)(7).
7. As evidenced by Findings of Fact No. 7, the Respondent failed to maintain all treatment units, storage and pressure maintenance facilities, distribution system lines and related appurtenances in a watertight condition, in violation of 30 TEX. ADMIN. CODE § 290.46(m)(4).
8. As evidenced by Findings of Fact No. 8, the Respondent failed to monitor continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes, in violation of 30 TEX. ADMIN. CODE § 290.111(e)(5)(C).
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 Nine Thousand Sixty-Two Dollars (\$9,062) 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 Two Hundred Seventy-Eight Dollars (\$278) of the administrative penalty. The remaining amount of Eight Thousand Seven Hundred Eighty-Four Dollars (\$8,784) of the administrative penalty shall be payable in 36 monthly payments of Two Hundred Forty-Four Dollars (\$244) 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.

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 Nine Thousand Sixty-Two Dollars (\$9,062) 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: International A.L.E.R.T. Academy, Docket No. 2009-1028-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. Within 60 days after the effective date of this Agreed Order:
 - i. Repair the Facility's concrete storage tanks so that they meet AWWA standards, as required by 30 TEX. ADMIN. CODE § 290.43; and
 - ii. Begin monitoring continuous turbidity using a continuous online turbidimeter and a device that records the turbidity level reading at least once every 15 minutes, as required by 30 TEX. ADMIN. CODE § 290.111.
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described in Ordering Provision No. 2.d below, and include detailed supporting documentation to demonstrate compliance with Ordering Provision No. 2.a;
 - c. Within 180 days after the effective date of this Agreed Order:
 - i. Submit a detailed report addressing the corrective measures taken to correct the performance-limiting factors, including but not limited to submitting plans to the TCEQ for installation of proper rate-of-flow control systems for both filters, submitting plans to the Commission for installation of backwash facilities, installing the backwash facilities in accordance with the plans approved by the TCEQ, submitting plans and specifications for filter renovations, refurbishing the filter media beds in accordance with the plans approved by the TCEQ, developing, documenting and implementing a standard operating procedure for ensuring that all laboratory and monitoring equipment used to report compliance

data is calibrated in the manner and at intervals required by the manufacturer or the Commission, and revising the manganese reduction protocol to provide adequate removal of the manganese prior to entering the clearwell, as required by 30 TEX. ADMIN. CODE § 290.111; and

- ii. Repair the leak on the valve located between the clarifier and the filters, as required by 30 TEX. ADMIN. CODE § 290.46.

- d. Within 195 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 No. 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

“I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fines 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
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3734

- 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

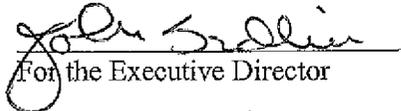
receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

Date 1/19/2010

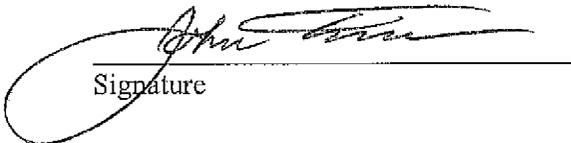
I, the undersigned, have read and understand the attached Agreed Order in the matter of International A.L.E.R.T. Academy. I am authorized to agree to the attached Agreed Order on behalf of International A.L.E.R.T. Academy, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, International A.L.E.R.T. Academy 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

Date 11/2/09

John Tanner
Name (Printed or typed)
Authorized Representative of
International A.L.E.R.T. Academy

Director
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section III, Paragraph 1 of this Agreed Order.