

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.:** 2007-0327-MWD-E **TCEQ ID:** RN102806734 **CASE NO.:** 32865  
**RESPONDENT NAME:** City of Angus

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> Adjacent to Interstate Highway 45 approximately 2,000 feet north of its intersection with Farm-to-Market Road 739 in the north central portion of the City of Angus, Navarro County</p> <p><b>TYPE OF OPERATION:</b> Domestic wastewater treatment facility</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on July 1, 2007. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468  <b>Respondent:</b> The Honorable Eben S. Stover, Mayor, City of Angus, 6008 South IH 45 West, Corsicana, Texas 75109  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> January 29, 2007</p> <p><b>Date of NOE Relating to this Case:</b> February 23, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a routine investigation. One violation was documented.</p> <p><b>WATER</b></p> <p>Failed to comply with the permitted effluent limitations [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11864001, Effluent Limitations and Monitoring Requirements No.1].</p>	<p><b>Total Assessed:</b> \$1,590</p> <p><b>Total Deferred:</b> \$318  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,272</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Plant:</p> <p>a. In December 2005, consulted with lab technicians and other certified plant operators to gain information on more efficient techniques to operate facility;</p> <p>b. In January 2006, improved operations by installing a pump at bottom of contact chamber which consistently keeps settled solids from building up on bottom of chamber, subsequently decreasing significant amounts of the solids from being included with the effluent discharge; and</p> <p>c. On January 30, 2006, came into compliance with permitted effluent limits.</p>



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

**TCEQ**

<b>DATES</b>	<b>Assigned</b>	5-Mar-2007	<b>Screening</b>	6-Mar-2007	<b>EPA Due</b>	26-Oct-2007
	<b>PCW</b>	7-Mar-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Angus
<b>Reg. Ent. Ref. No.</b>	RN102806734
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	32865	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-0327-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Libby Hogue
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 4
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	<b>\$1,000</b>
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### ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

<b>Compliance History</b>	84% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	<b>\$840</b>
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**Notes**  
An 84% enhancement is recommended for having 15 NOV's for self-reported effluent data, one NOV for same or similar violations, and two NOV's for the non-similar violations.

<b>Culpability</b>	No	0% Enhancement	<b>Subtotal 4</b>	<b>\$0</b>
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**Notes**  
The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply</b>	25% Reduction	<b>Subtotal 5</b>	<b>\$250</b>
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	Before NOV	NOV to EDRP/Settlement Offer
<b>Extraordinary</b>		
<b>Ordinary</b>	X	
<b>N/A</b>		(mark with x)

**Notes**  
Respondent came into compliance on January 30, 2006.

	<b>0% Enhancement*</b>	<b>Subtotal 6</b>	<b>\$0</b>
<b>Total EB Amounts</b>	\$8	<i>*Capped at the Total EB \$ Amount</i>	
<b>Approx. Cost of Compliance</b>	\$1,000		

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	<b>\$1,590</b>
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0%	<b>Adjustment</b>	<b>\$0</b>
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	<b>\$1,590</b>
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	<b>\$1,590</b>
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	<b>-\$318</b>
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	<b>\$1,272</b>
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**Screening Date** 6-Mar-2007  
**Respondent** City of Angus  
**Case ID No.** 32865  
**Reg. Ent. Reference No.** RN102806734  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Libby Hogue

**Docket No.** 2007-0327-MWD-E

**PCW**

Policy Revision 2 (September 2002)  
 PCW Revision January 9, 2007

### 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)	16	80%
	Other written NOVs	2	4%
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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 84%

>> 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**

An 84% enhancement is recommended for having 15 NOVs for self-reported effluent data, one NOV for same or similar violations, and two NOVs for the non-similar violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 84%

Screening Date 6-Mar-2007

Docket No. 2007-0327-MWD-E

PCW

Respondent City of Angus

Policy Revision 2 (September 2002)

Case ID No. 32865

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102806734

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 11864001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with the permitted effluent limitations. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

61 Number of violation days

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

Violation Base Penalty \$1,000

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$1,590

This violation Final Assessed Penalty (adjusted for limits) \$1,590

## Economic Benefit Worksheet

**Respondent:** City of Angus  
**Case ID No.:** 32865  
**Reg. Ent. Reference No.:** RN102806734  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	30-Nov-2005	30-Jan-2006	0.2	\$8	n/a	\$8

Notes for DELAYED costs

The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date respondent came into compliance.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$8

ATTACHMENT

**Effluent Violation Table**  
 City of Angus  
 TPDES Permit No. 11864001 (Outfall 001A)  
 Docket No. 2007-0327-MWD-E

Permitted Effluent Limits	Monitoring Period End Date	
	11/30/05	12/31/05
TSS Daily Max 20 mg/L	28.2	29.25
TSS Daily Max (Single Grab) 65 mg/L	C	80.0

Avg. = average
mg/L = milligrams per liter
C = Compliant
TSS = Total Suspended Solids



# Compliance History

Customer/Respondent/Owner-Operator: CN601424849 City of Angus Classification: AVERAGE Rating: 1.21  
Regulated Entity: RN102806734 CITY OF ANGUS Classification: AVERAGE Site Rating: 1.21  
ID Number(s): WASTEWATER PERMIT WQ0011864001  
WASTEWATER PERMIT TPDES0073032  
WASTEWATER PERMIT TX0073032  
WASTEWATER LICENSING LICENSE WQ0011864001  
Location: LOCATED ADJACENT TO INTERSTATE HWY 45 Rating Date: September 01 06 Repeat Violator:  
APPRX. 2,000 FT. NORTH OF ITS INTERSECTION WITH NO  
FM RD. 739 IN THE NORTH CENTRAL PORTION OF  
THE CITY OF ANGUS, NAVARRO COUNTY  
TCEQ Region: REGION 04 - DFW METROPLEX  
Date Compliance History Prepared: March 06, 2007  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: March 04, 2002 to March 05, 2007  
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Libby Hogue Phone: 512-239-1165

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
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	03/25/2002	(199414)
2	04/29/2002	(199419)
3	05/28/2002	(199423)
4	07/01/2002	(199426)
5	07/25/2002	(199429)
6	08/21/2002	(7481)
7	08/29/2002	(199432)
8	09/30/2002	(199435)
9	11/01/2002	(199438)
10	11/01/2002	(281435)
11	12/02/2002	(199441)
12	01/06/2003	(312894)
13	02/07/2003	(199447)
14	03/03/2003	(199412)
15	04/07/2003	(199415)
16	04/28/2003	(199420)
17	05/27/2003	(312887)
18	07/07/2003	(312888)
19	07/11/2003	(112723)

20	07/30/2003	(312889)
21	08/28/2003	(152385)
22	09/02/2003	(312890)
23	10/02/2003	(312891)
24	11/06/2003	(312892)
25	12/03/2003	(312893)
26	01/05/2004	(312895)
27	01/07/2004	(259079)
28	02/04/2004	(312896)
29	03/08/2004	(312884)
30	04/01/2004	(312885)
31	05/10/2004	(312886)
32	06/07/2004	(359237)
33	07/08/2004	(359238)
34	07/09/2004	(278688)
35	08/04/2004	(359239)
36	09/13/2004	(359240)
37	10/15/2004	(336529)
38	10/18/2004	(385852)
39	11/08/2004	(385853)
40	12/13/2004	(385854)
41	12/31/2004	(385856)
42	01/07/2005	(385855)
43	03/16/2005	(385851)
44	04/08/2005	(423783)
45	05/19/2005	(423784)
46	06/14/2005	(423785)
47	07/27/2005	(444590)
48	07/27/2005	(444591)
49	09/12/2005	(444592)
50	10/17/2005	(475301)
51	11/07/2005	(475302)
52	01/06/2006	(475303)
53	01/06/2006	(475304)
54	03/16/2006	(475300)
55	03/16/2006	(475305)
56	04/20/2006	(502809)
57	04/24/2006	(502810)
58	07/13/2006	(525146)
59	07/13/2006	(525147)
60	02/27/2007	(538447)
61	02/28/2007	(537155)

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

Date	03/31/2002	(199419)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2002	(199429)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2002	(199432)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]			
Description:	Failure to meet the limit for one or more permit parameter			
Date	08/09/2002	(7481)		
Self Report?	NO		Classification	Major
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G] 30 TAC Chapter 319, SubChapter A 319.7(c)			

Description:	Failure to maintain adequate chlorine sampling records.	Classification	Major
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.7(a)[G] 30 TAC Chapter 319, SubChapter A 319.7(c)		
Description:	Failure to calibrate chlorine meter.	Classification	Moderate
Date	08/31/2002 (199435)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	10/31/2002 (199441)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	11/30/2002 (312894)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	12/31/2002 (199447)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	02/28/2003 (199415)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	04/30/2003 (312887)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	05/31/2003 (312888)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Minor
Date	07/10/2003 (112723)		
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	failure to meet maximum chlorine residual limit	Classification	Minor
Self Report?	NO		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to calibrate meter on an annual basis	Classification	Moderate
Date	10/31/2003 (312893)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Moderate
Date	03/31/2004 (312886)		
Self Report?	YES		
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter	Classification	Minor
Date	07/08/2004 (278688)		
Self Report?	NO		
Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		

Description:	Failure to provide a staff gauge to correctly and manually measure flow through the V-Notch Weir.		
Date	07/31/2004 (359240)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2005 (475304)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	12/31/2005 (475305)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF ANGUS  
RN102806734

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2007-0327-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 City of Angus ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater treatment facility located adjacent to Interstate Highway 45 approximately 2,000 feet north of its intersection with Farm-to-Market Road 739 in the north central portion of the City of Angus in Navarro County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 28, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of One Thousand Five Hundred Ninety Dollars (\$1,590)



is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Two Hundred Seventy-Two Dollars (\$1,272) of the administrative penalty and Three Hundred Eighteen Dollars (\$318) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

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 City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Plant:
  - a. In December 2005, consulted with lab technicians and other certified plant operators to gain information on more efficient techniques to operate the Facility;
  - b. In January 2006, improved operations by installing a pump at bottom of contact chamber which consistently keeps settled solids from building up on bottom of chamber, subsequently decreasing significant amounts of the solids from being included with the effluent discharge; and
  - c. On January 30, 2006, came into compliance with permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.



## II. ALLEGATIONS

As owner and operator of the Facility, the City 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. 11864001, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 29, 2007, as indicated in the table below.

<b>Effluent Violation Table</b> City of Angus TPDES Permit No. 11864001 (Outfall 001A) Docket No. 2007-0327-MWD-E		
Permitted Effluent Limits	Monitoring Period End Date	
	11/30/05	12/31/05
TSS Daily Max 20 mg/L	28.2	29.25
TSS Daily Max (Single Grab) 65 mg/L	C	80.0

Avg. = average
mg/L = milligrams per liter
C = Compliant
TSS = Total Suspended Solids

## III. DENIALS

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

## IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Angus, Docket No. 2007-0327-MWD-E" to:

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud.

2. The second part of the document outlines the specific requirements for record-keeping, including the need to maintain original documents and to keep copies of all transactions. It also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

3. The third part of the document discusses the consequences of failing to maintain accurate records, including the potential for financial loss and the risk of legal action. It also discusses the importance of training staff in proper record-keeping procedures and the need for ongoing monitoring and evaluation of the record-keeping system.

4. The fourth part of the document discusses the importance of maintaining accurate records of all transactions, including the need to maintain original documents and to keep copies of all transactions. It also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

5. The fifth part of the document discusses the consequences of failing to maintain accurate records, including the potential for financial loss and the risk of legal action. It also discusses the importance of training staff in proper record-keeping procedures and the need for ongoing monitoring and evaluation of the record-keeping system.

6. The sixth part of the document discusses the importance of maintaining accurate records of all transactions, including the need to maintain original documents and to keep copies of all transactions. It also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

7. The seventh part of the document discusses the consequences of failing to maintain accurate records, including the potential for financial loss and the risk of legal action. It also discusses the importance of training staff in proper record-keeping procedures and the need for ongoing monitoring and evaluation of the record-keeping system.

8. The eighth part of the document discusses the importance of maintaining accurate records of all transactions, including the need to maintain original documents and to keep copies of all transactions. It also discusses the importance of regular audits and the role of internal controls in ensuring the accuracy of the records.

9. The ninth part of the document discusses the consequences of failing to maintain accurate records, including the potential for financial loss and the risk of legal action. It also discusses the importance of training staff in proper record-keeping procedures and the need for ongoing monitoring and evaluation of the record-keeping system.

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

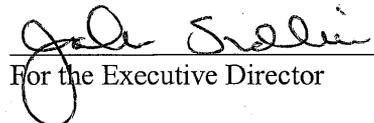
2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. 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.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.



SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

8/23/2007  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

April 26, 2007  
\_\_\_\_\_  
Date

Eben S. Stover  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Angus

Mayor  
\_\_\_\_\_  
Title

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

*[The page contains extremely faint, illegible text, likely bleed-through from the reverse side of the document. The text is too light to transcribe accurately.]*