

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 3
DOCKET NO.: 2004-0026-MWD-E TCEQ ID NOS: WQ0011510002 AND RN101610251
CASE NO.: 11900
RESPONDENT NAME: THE CITY OF ELSA

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 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>SITE WHERE VIOLATION(S) OCCURRED: 0.5 miles southwest of Farm-to-Market Road 1925 and State Highway 88 near Elsa, Hidalgo County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There were two complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: The complainants have not indicated that they wish to protest this action or speak at Agenda. 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 March 26, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney: Ms. Dinniah M. Chahin, Litigation Division, MC 175, (512) 239-0617 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873 SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Sandy Van Cleave, Water Enforcement Section, MC 169, (512) 239-0667 TCEQ Regional Contact: Ms. Irene Casares, Harlingen Regional Office, MC R-15, (956) 430-6025 Respondent: The Honorable Senovio Castillo, Mayor of The City of Elsa, P.O. Box 427, Elsa, Texas 78543 Respondent's Attorney: Not represented by counsel.</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Dates of Complaints Relating to this Case: May 22, 2003 and May 23, 2003</p> <p>Dates of Investigations Relating to this Case: May 23, 2003 and January 12, 2004</p> <p>Date of NOE Relating to this Case: June 25, 2003</p> <p>Background Facts: An EDRP was filed on November 29, 2004, and the Respondent filed an Answer on December 27, 2004. An Agreed Order, including a SEP, was signed on November 13, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MWD:</p> <ol style="list-style-type: none"> Failed to prevent an unauthorized discharge of wastewater or any other waste [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0011510002, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a)]. Failed to ensure that the Facility was operated and maintained by a chief operator or operator-in-charge holding a valid class "C" certificate of competency or higher [30 TEX. ADMIN. CODE 305.125(1) and TPDES Permit No. WQ0011510002, Other Requirements No. 1]. Failed to comply with the permitted effluent single grab limit of 60 mg/L for TSS, [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 1]. Failed to ensure that the firm pumping capacity of all of the Facility's on-site lift stations was such that the expected peak flow could be pumped to its desired destination [30 TEX. ADMIN. CODE § 317.3(c)(2)]. 	<p>Total Assessed: \$16,385</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$16,385</p> <p>Total Paid to General Revenue: \$0</p> <p>The \$16,385 administrative penalty is conditionally offset pending completion of a Supplemental Environmental Project (SEP).</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 Order Justification:</p> <p>This is a findings order because environmental receptors have been exposed to pollutants that exceed levels that are protective of human health and safety.</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures:</p> <ol style="list-style-type: none"> Operating the Facility with a Wastewater Treatment Plant Operator with the appropriate license. Paid all outstanding fees for TCEQ Account Nos. 91080005 and 23002873 as of March 9, 2006. Reconstructed the lift station to meet the firm pumping capacity as of July 2003. Reconstructed the return lines from the digester and sludge drying beds as of July 2003. Replaced the damaged wiring in the electrical panel on the lift station to prevent the overflow of wastewater. A second water sample taken on May 23, 2003, revealed that the Facility met the permitted effluent single grab limitation for TSS. <p>Ordering Provisions:</p> <ol style="list-style-type: none"> Within 30 days, the Respondent shall ensure there is no discharge of floating solids or visible foam other than trace amounts in the receiving stream in accordance with TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 4. Within 45 days, the Respondent shall: <ol style="list-style-type: none"> Submit written certification for these Ordering Provisions; and Submit copies of documentation necessary to demonstrate compliance. The Order will require the Respondent to implement and complete a Supplemental Environmental Project (see Attachment A).

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>5. Failed to ensure that the oxidation ditch treatment unit was properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011510002, Operational Requirements No. 1].</p> <p>6. Failed to ensure that the return lines from the digester and sludge drying beds were properly operated and maintained [30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011510002, Operational Requirements No. 1].</p> <p>7. Failed to prevent the discharge of floating solids or visible foam in other than trace amounts in the receiving stream [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 4].</p> <p>8. Failed to pay all outstanding consolidated water quality fees and public health service fees [30 TEX. ADMIN. CODE §§ 21.4 and 290.51(a)(3), TEX. WATER CODE §§ 5.702 and 26.0291, and TEX. HEALTH & SAFETY CODE § 341.041].</p>		

Attachment A

Docket Number: 2004-0026-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: The City of Elsa

Penalty Amount: Sixteen Thousand Three Hundred Eighty-Five Dollars (\$16,385.00)

SEP Amount: Sixteen Thousand Three Hundred Eighty-Five Dollars (\$16,385.00)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc.

Location of SEP: Hidalgo County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in the Texas Association of Resource Conservation and Development Areas, Inc. - Abandoned Tire Clean-Up Project which provides the coordinated clean-up of sites where tires have been disposed of illegally. Eligible sites will be limited to areas where a responsible party can not be identified and where there is no preexisting obligation to clean up the site by the owner of the property and where reasonable efforts have been or will be made to prevent the dumping. The contribution will be used for the direct cost of collection and disposal of debris and tires. The contribution from this agreement will be used to fund several clean up events which have an estimated cost of \$2,500 per event.

B. Environmental Benefit

This program will help the Hidalgo County community eliminate or reduce dangers and health threats associated with illegal tire sites. This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contaminated runoff from illegal tire sites. The SEP will also reduce the risk of air contaminants from potential fires at the tire sites. Tire sites also provide breeding areas for disease vectors such as mosquitoes and rats.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution check to:

Texas Association of RC&D Areas
NRCS Coordinator
c/o Rio Bravo RC&D Council
1716 Briarcrest Drive, Suite 510
Bryan, TX 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due for failure to fully perform shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (09/02)

PCW Revision 6/12/2003

DATES	
PCW	5-Apr-2006
Screening	12-Jan-2004
Priority Due	11-May-2004
EPA Due	
RESPONDENT INFORMATION	
Respondent	City of Elsa
Respondent/Site ID No(s)	Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002
Facility/Site Region	15 - Harlingen
Major/Minor Source	Minor
CASE INFORMATION	
Enf./Case ID No(s)	Enforcement Case No. 11900
Docket No.	2004-0026-MWD-E
Case Priority	3
Enf. Coordinator	Sandy VanCleave
Media Program(s)	Water Quality
Admin. Penalty \$ Limit	Minimum \$0 Maximum \$10,000
No. Violations	8
Order Type	Findings
EC's Team	Enforcement Team A

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)		Subtotal 1	\$14,500
ADJUSTMENTS (+/-) TO SUBTOTAL 1			
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.			
Compliance History	13% Enhancement	Subtotals 2, 3 & 7	\$1,885
Notes	The Respondent received one NOV for violations that are the same or similar to the violations addressed in this enforcement action, two NOVs for violations that were not the same or similar to the violations addressed in this enforcement action and the Respondent has self-reported two effluent violations.		+
Culpability	0% Enhancement	Subtotal 4	\$0
Notes	The Respondent does not meet the culpability criteria.		+
Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
Notes	The Respondent does not meet the good faith criteria.		+
Economic Benefit	0% Enhancement*	Subtotal 6	\$0
	\$638 Total EB Amounts		=
	\$17,300 Approx. Cost of Compliance		
SUM OF SUBTOTALS 1-7		Final Subtotal	\$16,385
OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
Notes			=
STATUTORY LIMIT ADJUSTMENT		Final Penalty Amount	\$16,385
DEFERRAL		Final Assessed Penalty	\$16,385
Notes	There is no deferral because a Findings Order is recommended.		=
PAYABLE PENALTY			\$16,385

Screening Date 12-Jan-2004

Docket Number 2004-0026-MWD-E **PCW**

Respondent City of Elsa

Policy Revision 2 (09/02)

Case ID No. Enforcement Case No. 11900

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002

Media [Statute] Water Quality

Enf. Coordinator Sandy VanCleave

Site Address 0.5 miles southwest of Farm-to-Market Road 1925 and State Highway 88, Elsa, Hidalgo County

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)	1	5%
	Other written NOVs	4	8%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **13%**

>> **Repeat Violator (Subtotal 3)**

No Select Yes/No

Adjustment Percentage (Subtotal 3) **0%**

>> **Compliance History Person Classification (Subtotal 7)**

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) **0%**

Compliance History Summary

Compliance History Notes

The Respondent received one NOV for violations that are the same or similar to the violations addressed in this enforcement action, two NOVs for violations that were not the same or similar to the violations addressed in this enforcement action and the Respondent has self-reported two effluent violations.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 13%

Screening Date 12-Jan-04 **Docket Number** 2004-0026-MWD-E **PCW**
Respondent City of Elsa **Policy Revision 2 (09/02)**
Case ID No. Enforcement Case No. 11900 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002
Media [Statute] Water Quality
Enf. Coordinator Sandy VanCleave
Violation Number 1
Primary Rule Cite 30 Tex. Admin Code § 305.125(1) and TPDES Permit No. WQ0011510002, Permit Conditions No. 2.g
Secondary Cite(s) Tex. Water Code § 26.121(a)
Violation Description Failure to prevent an unauthorized discharge of wastewater or any other waste. Specifically, during the investigation it was documented that raw wastewater was overflowing from a manhole located at Magnolia Street into a drainage ditch, located approximately 250 feet south of the manhole, that eventually overflowed into the receiving stream. There were approximately 100 fish killed as a result of the discharge.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual	x			Percent	50%
	Potential					

» Programmatic Matrix

		Major	Moderate	Minor		
OR	Falsification				Percent	

Matrix Notes Human health or the environment has been exposed to pollutants which exceed levels protective of human health or environmental receptors.

Adjustment -\$5,000

Base Penalty Subtotal \$5,000

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	x
monthly	
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Events Notes One daily event is recommended for the date of the actual discharge, May 23, 2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$0

Violation Final Penalty total \$5,650

This Violation Final Assessed Penalty (adjusted for limits) \$5,650

Economic Benefit Worksheet

Respondent City of Elsa
 ID Number(s) Enforcement Case No. 11900
 Media [Statute] Water Quality
 Violation Number 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$500	23-May-2003	23-May-2003	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight and maintenance of the lift station which could have reduced or alleviated the discharge. Date required is the date of the unauthorized discharge; final date is date of corrective action.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

Screening Date 12-Jan-04 **Docket Number** 2004-0026-MWD-E **PCW**
Respondent City of Elsa **Policy Revision 2 (09/02)**
Case ID No. Enforcement Case No. 11900 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002
Media [Statute] Water Quality
Enf. Coordinator Sandy VanCleave
Violation Number
Primary Rule Cite 30 Tex. Admin Code § 305.125(1) and TPDES Permit No. WQ0011510002, Other Requirements No. 1
Secondary Cite(s)
Violation Description Failure to ensure that the facility is operated and maintained by a chief operator or operator responsible in charge holding a valid class "C" certificate of competency or higher. Specifically, during the investigation it was documented that the Plant was operated by an unlicensed operator during the week of May 19-23, 2003.

Base Penalty

» Environmental, Property and Human Health Matrix

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

» Programmatic Matrix

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

Matrix Notes Human health or the environment could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

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

Violation Base Penalty

Events Notes One monthly event is recommended based on the period that the facility did not have a certified person operating the facility.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Elsa
ID Number(s) Enforcement Case No. 11900
Media [Statute] Water Quality
Violation Number 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$600	19-May-2003	24-May-2003	0.0	\$0	\$8	\$9
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

Estimated cost to employ a certified operator to operate the facility. Date required and final date represent the week for which the violation was documented.

Approx Cost of Compliance

TOTAL

Screening Date 12-Jan-04	Docket Number 2004-0026-MWD-E	PCW
Respondent City of Elsa		Policy Revision 2 (09/02)
Case ID No. Enforcement Case No. 11900		PCW Revision 6/12/2003
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002		
Media [Statute] Water Quality		
Enf. Coordinator Sandy VanCleave		
Violation Number	3	
Primary Rule Cite	30 Tex. Admin Code § 305.125(1) and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 1	
Secondary Cite(s)	Tex. Water Code § 26.121(a)(1)	
Violation Description	Failure to comply with the permitted effluent single grab limitation of 60 milligrams per liter (mg/L) for total for total suspended solids (TSS). Specifically, a water sample collected during the investigation revealed a single grab TSS concentration of 74 mg/L.	
	Base Penalty	\$10,000
» Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	10%
» Programmatic Matrix		
	Falsification	Major Moderate Minor
OR	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	<input type="text"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or the environment.	
	Adjustment	-\$9,000
	Base Penalty Subtotal	\$1,000
Violation Events		
	Number of Violation Events	1
<i>mark only one; use small x</i>	daily	<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	\$1,000
Events Notes	One single event is recommended based on the sample date of May 23, 2003.	
Economic Benefit (EB) for this violation		
	Estimated EB Amount (\$)	\$0
Statutory Limit Test		
	Violation Final Penalty total	\$1,130
	This Violation Final Assessed Penalty (adjusted for limits)	\$1,130

Economic Benefit Worksheet

Respondent City of Elsa
 ID Number(s) Enforcement Case No. 11900
 Media [Statute] Water Quality
 Violation Number 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$500	23-May-2003	23-May-2003	0.0	\$0	\$0	\$0
Supplies/equip				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

Estimated cost for additional oversight which could have reduced or alleviated the exceedance. Date required is the date of the exceedance; final date is date additional water samples were taken that showed the effluent single grab limitation for TSS was within the permitted limits.

Approx Cost of Compliance

TOTAL

Screening Date 12-Jan-04 **Docket Number** 2004-0026-MWD-E **PCW**
Respondent City of Elsa **Policy Revision 2 (09/02)**
Case ID No. Enforcement Case No. 11900 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002
Media [Statute] Water Quality
Enf. Coordinator Sandy VanCleave
Violation Number 4
Primary Rule Cite 30 Tex. Admin Code § 317.3(c)(2)
Secondary Cite(s)
Violation Description Failure to ensure that the firm pumping capacity of the Plant's on-site lift stations is such that the expected peak flow can be pumped to its desired destination. Firm pumping capacity is defined as total station maximum pumping capacity with the largest pumping unit out of service. Specifically, during the investigation it was documented that the Plant's on-site lift station was only equipped with one pump.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

		Harm				
Release		Major	Moderate	Minor		
OR	Actual				Percent	5%
	Potential			x		

» Programmatic Matrix

		Falsification	Major	Moderate	Minor		
OR						Percent	

Matrix Notes Human health or the environment could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 1

mark only one; use small x

daily	
monthly	
quarterly	
semiannual	x
annual	
single event	

Violation Base Penalty \$500

Events Notes One single event is recommended based on documentation of the violation during the May 23, 2003 investigation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$86

Violation Final Penalty total \$565

This Violation Final Assessed Penalty (adjusted for limits) \$565

Economic Benefit Worksheet

Respondent City of Elsa
ID Number(s) Enforcement Case No. 11900
Media [Statute] Water Quality
Violation Number 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$10,000	23-May-2003	7-Jul-2003	0.1	\$4	\$82	\$86
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to equip the lift station with an additional pump. Date required is the inspection date; final date is the date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

Screening Date 12-Jan-04	Docket Number 2004-0026-MWD-E	PCW				
Respondent City of Elsa		Policy Revision 2 (09/02)				
Case ID No. Enforcement Case No. 11900		PCW Revision 6/12/2003				
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002						
Media [Statute] Water Quality						
Enf. Coordinator Sandy VanCleave						
Violation Number	5					
Primary Rule Cite	30 Tex. Admin Code § 305.125(1) and (5) and TPDES Permit No. WQ0011510002, Operational Requirements No. 1					
Secondary Cite(s)						
Violation Description	Failed to ensure that the oxidation ditch treatment unit is properly operated and maintained. Specifically, during the investigation it was documented that the carousel aerator in the oxidation ditch was not operational.					
	Base Penalty	\$10,000				
» Environmental, Property and Human Health Matrix						
	Harm					
	Release	Major Moderate Minor				
OR	Actual	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>				
	Potential	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">x</td></tr></table>			x	
		x				
	Percent	5%				
» Programmatic Matrix						
OR	<table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table>					Percent
Matrix Notes	Failure to properly operate and maintain the carousel aerator may result in inadequate treatment of wastewater discharged into the receiving stream resulting in an insignificant amount of contaminants which would not exceed levels protective of human health and the environment.					
	Adjustment	-\$9,500				
	Base Penalty Subtotal	\$500				
Violation Events						
	Number of Violation Events	1				
<i>mark only one; use small x</i>	daily	<input type="checkbox"/>				
	monthly	<input type="checkbox"/>				
	quarterly	<input type="checkbox"/>				
	semiannual	<input type="checkbox"/>				
	annual	<input type="checkbox"/>				
	single event	x				
	Violation Base Penalty	\$500				
Events Notes	One single event is recommended based on documentation of the violation during the the May 23, 2003 investigation.					
Economic Benefit (EB) for this violation						
	Estimated EB Amount (\$)	\$0				
Statutory Limit Test						
	Violation Final Penalty total	\$565				
	This Violation Final Assessed Penalty (adjusted for limits)	\$565				

Economic Benefit Worksheet

Respondent City of Elsa
ID Number(s) Enforcement Case No. 11900
Media [Statute] Water Quality
Violation Number 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)	\$200	23-May-2003	23-May-2003	0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for additional oversight to ensure the carousel aerator was properly operating. Date required is the date the violation was documented; final date is date of corrective action.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

Screening Date 12-Jan-04

Docket Number 2004-0026-MWD-E

PCW

Respondent City of Elsa

Policy Revision 2 (09/02)

Case ID No. Enforcement Case No. 11900

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002

Media [Statute] Water Quality

Enf. Coordinator Sandy VanCleave

Violation Number

Primary Rule Cite

Secondary Cite(s)
 Violation Description

Base Penalty

» Environmental, Property and Human Health Matrix

Harm

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

» Programmatic Matrix

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

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

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Elsa
ID Number(s) Enforcement Case No. 11900
Media [Statute] Water Quality
Violation Number 6

Percent Interest	Years of Depreciation
5.0	15

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

Equipment	\$5,000	23-May-2003	7-Jul-2003	0.1	\$2	\$41	\$43
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to repair or replace the return lines that return wastewater from the digester and sludge drying beds to the on-site lift station. Date required is the investigation date; final date is the date of compliance.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

Screening Date 12-Jan-04	Docket Number 2004-0026-MWD-E	PCW
Respondent City of Elsa		Policy Revision 2 (09/02)
Case ID No. Enforcement Case No. 11900		PCW Revision 6/12/2003
Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002		
Media [Statute] Water Quality		
Enf. Coordinator Sandy VanCleave		
Violation Number	7	
Primary Rule Cite	30 Tex. Admin Code § 305.125(1) and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 4	
Secondary Cite(s)	Tex. Water Code § 26.121(a)(1)	
Violation Description	Failure to prevent the discharge of floating solids or visible foam in other than trace amounts in the receiving stream.	
	Base Penalty	\$10,000
» Environmental, Property and Human Health Matrix		
	Harm	
	Release	Major Moderate Minor
OR	Actual	<input type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/>
	Potential	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	25%
» Programmatic Matrix		
OR	Falsification	Major Moderate Minor
	<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>
	Percent	<input type="text"/>
Matrix Notes	An increase in solids may adversely affect the quality of water in the receiving stream which could expose human health or the environment to significant amounts of pollutants which would not exceed levels that are protective of human health or the environment.	
	Adjustment	-\$7,500
	Base Penalty Subtotal	\$2,500
Violation Events		
	Number of Violation Events	1
<i>mark only one; use small x</i>	daily	<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	\$2,500
Events Notes	One single event is recommended based on documentation of the violation during the the May 23, 2003 investigation.	
Economic Benefit (EB) for this violation		Statutory Limit Test
Estimated EB Amount (\$)	\$500	Violation Final Penalty total \$2,825
This Violation Final Assessed Penalty (adjusted for limits)		\$2,825

Economic Benefit Worksheet

Respondent City of Elsa
 ID Number(s) Enforcement Case No. 11900
 Media [Statute] Water Quality
 Violation-Number 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost No commas or \$	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]	\$500	23-May-2003	23-May-2003	0.0	\$0	\$500	\$500
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost to operate the plant to prevent the discharge of solids into the receiving stream. Date required and final date represent the date the violation was documented.

Approx Cost of Compliance

TOTAL

Screening Date 12-Jan-04

Docket Number 2004-0026-MWD-E

PCW

Respondent City of Elsa

Policy Revision 2 (09/02)

Case ID No. Enforcement Case No. 11900

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0011510002

Media [Statute] Water Quality

Enf. Coordinator Sandy VanCleave

Violation Number

Primary Rule Cite

Secondary Cite(s)

Violation Description

Base Penalty

» Environmental, Property and Human Health Matrix

Harm

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

Percent

» Programmatic Matrix

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

Percent

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one; use small x

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input type="text"/>

Violation Base Penalty

Events Notes

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$)

Violation Final Penalty total

This Violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Elsa
 ID Number(s) Enforcement Case No. 11900
 Media [Statute] Water Quality
 Violation Number 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (As needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (As Needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

There is no economic benefit associated with this violation.

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equip				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

TOTAL

COMPLIANCE HISTORY

Customer/Respondent/Owner-Operator: CN600661409 City of Elsa Customer Classification: Average
Customer Rating: 0.95

Regulated Entity/ID Nos.: RN101610251 City of Elsa WWTP No. 2 Site Classification: Average
Site Rating: 0.89
Wastewater Permit TPDES0104990
Wastewater Permit WQ0011510002

Location [physical address or description of location (street, highway, FM, etc.) including city or nearest city, and county]: located approximately 0.5 miles southwest of the intersection of Farm-to-Market Road 1925 and State Highway 88 in Elsa, Hidalgo County, Texas Repeat Violator: (y/n) N

TCEQ Region No. 15

Date Compliance History Prepared: January 12, 2004

Agency Decision Requiring Compliance History (mark one):

- the issuance, renewal, amendment, modification, denial, suspension, or revocation of a permit
[X] enforcement
the use of announced investigations (Field Ops)
participation in innovative programs

Compliance Period: January 12, 1999 to January 12, 2004

TCEQ staff person to contact for additional information regarding this compliance history:

Name: Sandy VanCleave Phone: (512) 239-0667

Site Compliance History Components

- 1.Has the site been in existence and/or operation for the full five year compliance period? [X] Yes [] No [] Unk
2. Has there been a (known) change in ownership of the site during the compliance period? [] Yes [X] No [] Unk
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 judgments, and consent decrees of the state of Texas and the federal government

1. Effective Date: None Type of Action:
Violation Citation 1: Classification:
Violation Description:

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

Conviction Date: None
Count 1:
Count 2:

C. Chronic excessive emissions events: None

D. The dates of investigations.

1. 01/22/2001
2. 03/10/2003
3. 11/19/2001
4. 06/24/2003
5. 12/14/2000
6. 10/28/2002
7. 11/05/2001
8. 11/03/2000
9. 10/28/2002
10. 10/01/2001
11. 09/13/2000
12. 08/29/2002
13. 08/20/2001
14. 09/13/2000
15. 07/26/2002
16. 08/20/2001
17. 08/15/2000
18. 07/26/2002
19. 07/23/2001
20. 06/29/2000
21. 05/30/2002
22. 06/20/2001
23. 06/16/2000
24. 04/25/2003
25. 06/20/2001
26. 10/20/2000
27. 10/20/2000
28. 04/02/2003
29. 04/01/2002
30. 03/27/2001
31. 10/20/2000
32. 03/10/2003
33. 02/22/2002
34. 03/29/2001
35. 10/20/2000
36. 10/26/2000
37. 08/10/2001
38. 06/03/2003
39. 10/20/2000
40. 03/10/2003
41. 01/28/2002
42. 01/22/2001
43. 03/10/2003
44. 01/02/2002

E. Written notices of violation (NOV)

1. Date: 09/30/2001 Self-reported? Yes No
Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate
305.125(1)
TWC Chapter 26 26.121(a)(G)
Violation Description: Failure to meet the limit for one or more permit parameter

2. Date: 08/31/2001 Self-reported? Yes No
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate
 305.125(1)
 TWC Chapter 26 26.121(a)(G)
 Violation Description: Failure to meet the limit for one or more permit parameter
3. Date: 01/26/2000 Self-reported? Yes No
 Violation Citation 1: 30 TAC Chapter 305, SubChapter F Classification: Moderate
 305.125(1)
 Violation Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Violation Citation 2: 30 TAC Chapter 305, SubChapter F Classification: Moderate
 305.125(1)
 Violation Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Violation Citation 3: 30 TAC Chapter 305, SubChapter F Classification: Moderate
 305.125(1)
 Violation Description: NON-RPT VIOS FOR MONIT PER OR PIPE
4. Date: 8/10/2001 Self-reported? Yes No
 Violation Citation 1: 30 TAC § 305.63(a)(G) Classification: Minor
 Violation Description: Failure to submit a new permit application at least 180 days before the expiration date of the effective permit.
 Violation Citation 2: TPDES Permit No. WQ11510002, Classification: Minor
 Monitoring and Reporting Requirements No. 7
 Violation Description: Failure to report unauthorized discharges within 24 hours.
 Violation Citation 3: TPDES Permit No. WQ11510002, Classification: Minor
 Operational Requirements No. 1
 Violation Description: Failure to provide a proper cover for the wet well of the on-site lift station.
 Violation Citation 4: TPDES Permit No. WQ11510002, Classification: Minor
 Operational Requirements No. 1
 Violation Description: Failure to keep the weirs on the inner boat clarifier clear of algae growth and sludge.
 Violation Citation 5: TPDES Permit No. WQ11510002, Classification: Minor
 Operational Requirements No. 1
 Violation Description: Failure to maintain the sludge drying beds. Specifically, there was debris and excessive vegetation growth inside the sludge drying beds.
 Violation Citation 6: TPDES Permit No. WQ11510002, Classification: Moderate
 Operational Requirements No. 1
 Violation Description: Failure to have detectors and alarms for chlorine gas cylinders.
 Violation Citation 7: TPDES Permit No. WQ11510002, Classification: Moderate
 Operational Requirements No. 1
 Violation Description: Failure have more than one pump operational.
 Violation Citation 8: TPDES Permit No. WQ11510002, Classification: Moderate
 Operational Requirements No. 1
 Violation Description: Failure equip the water connections on lift station No. 10 with air gap or back flow prevention devices.
 Violation Citation 9: TPDES Permit No. WQ11510002, Classification: Major
 Permit Conditions No. 2.g
 Violation Description: Unauthorized discharge of wastewater.

5. Date: 4/20/2000 Self-reported? Yes No

Violation Citation 1: TPDES Permit No. WQ11510002, Classification: Moderate
Sludge Provisions, Sec III

Violation Description: Failure to perform paint filter tests on sludge

Violation Citation 2: TPDES Permit No. WQ11510002, Classification: Minor
Operational Requirements No. 1

Violation Description: Failure to refurbish handrails and position weirs to accurately measure flow.

Violation Citation 3: TPDES Permit No. WQ11510002, Classification: Minor
Effluent Limitations and Monitoring
Requirements No. 2

Violation Description: Failure to monitor effluent chlorine residual daily instead of weekly.

Violation Citation 4: TPDES Permit No. WQ11510002, Classification: Minor
Effluent Limitations and Monitoring
Requirements No. 1

Violation Description: Failure to conduct effluent sampling in accordance with 30 TAC § 319.6. Specifically, the dissolved oxygen measurement was not compared with a standard for quality assurance.

F. Environmental audits.

1. Notice of Intent Date: None

Disclosure Date:

Violation Citation 1:

Classification:

Violation Description:

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

State: N/A

Site Name:

Location:

Type of Action:

Effective Date:

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF
AN ENFORCEMENT ACTION
AGAINST THE CITY OF ELSA
TCEQ ID NO. WQ0011510002
RN101610251**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2004-0026-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Elsa (the "City") under the authority of TEX. WATER CODE chs. 5, 7, and 26 and TEX. HEALTH & SAFETY CODE § 341.041. The Executive Director of the TCEQ, represented by the Litigation Division, and the City represented by the City Attorney for the City of Elsa, presented this agreement to the Commission.

The City 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 City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement 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 City.

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

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment plant located 0.5 miles southwest of Farm-to-Market Road 1925 and State Highway 88 near Elsa, Hidalgo County, Texas (the "Facility").

2. The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
3. During an inspection conducted on May 23, 2003, a TCEQ Harlingen Regional Office investigator documented that the City violated the following requirements:
 - a. Failed to prevent an unauthorized discharge of wastewater or any other waste. The investigator documented that raw wastewater was overflowing from a manhole located at Magnolia Street into a drainage ditch, located approximately 250 feet south of the manhole, that flowed from the unnamed drainage ditch into Hidalgo County Water Control and Improvement District Ditch 10F, thence into North Flood way, thence into the Laguna Madre in Segment 2491 of the Bays and Estuaries;
 - b. Failed to ensure that the Facility is operated and maintained by a chief operator or operator-in-charge holding a valid class "C" certificate of competency or higher. The investigator documented that the Facility was operated by an unlicensed operator from May 19 to 23, 2003;
 - c. Failed to comply with the permitted effluent single grab limit of 60 milligrams per liter ("mg/L") for total suspended solids ("TSS"). The investigator documented that the single grab sample TSS was 74 mg/L at the time of the investigation;
 - d. Failed to ensure that the firm pumping capacity of all of the Facility's on-site lift stations was such that the expected peak flow could be pumped to its desired destination. Firm pumping capacity is defined as total station maximum pumping capacity with the largest pump out of service. The investigator documented that the Facility's on-site lift station was only equipped with one pump;
 - e. Failed to ensure that the oxidation ditch treatment unit was properly operated and maintained. The investigator documented that the carousel aerator in the oxidation ditch was not operational;
 - f. Failed to ensure that the return lines from the digester and sludge drying beds are properly operated and maintained. The investigator documented that the return lines that return wastewater from the digester and sludge drying beds to the on-site lift station were broken; and
 - g. Failed to prevent the discharge of floating solids or visible foam in other than trace amounts in the receiving stream.

4. The City received notice of these violations in a Notice of Enforcement on or about June 28, 2003.
5. During a record review conducted on January 12, 2004, a TCEQ central office enforcement coordinator documented that the City failed to pay all outstanding consolidated water quality fees and public health service fees.
6. The Executive Director recognizes that the City has implemented the following corrective measures at the Plant in response to this enforcement action:
 - a. The City is currently operating the Facility with a Wastewater Treatment Plant Operator with the appropriate license;
 - b. The City paid all outstanding fees for TCEQ Account Nos. 91080005 and 23002873 as of March 9, 2006;
 - c. The City reconstructed the lift station to meet the firm pumping capacity as of July 2003;
 - d. The City reconstructed the return lines from the digester and sludge drying beds as of July 2003;
 - e. On May 23, 2003, the City replaced the damaged wiring in the electrical panel on the lift station to prevent the overflow of wastewater; and
 - f. A second water sample taken on May 23, 2003, revealed that the Facility met the permitted effluent single grab limitation for TSS.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, the City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE §§ 5.013, 5.701, 7.002, and 26.011 and TEX. HEALTH & SAFETY CODE § 341.041 and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., the City failed to prevent an unauthorized discharge of wastewater or any other waste, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0011510002, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a).
3. As evidenced by Finding of Fact No. 3.b., the City failed to ensure that the Facility was operated and maintained by a chief operator or operator-in-charge holding a valid class "C"

certificate of competency or higher, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0011510002, Other Requirements No. 1.

4. As evidenced by Finding of Fact No. 3.c., the City failed to comply with the permitted effluent single grab limit of 60 mg/L for TSS, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 1.
5. As evidenced by Finding of Fact No. 3.d., the City failed to ensure that the firm pumping capacity of all of the Facility's on-site lift stations was such that the expected peak flow could be pumped to its desired destination, in violation of 30 TEX. ADMIN. CODE § 317.3(c)(2).
6. As evidenced by Finding of Fact No. 3.e., the City failed to ensure that the oxidation ditch treatment unit was properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011510002, Operational Requirements No. 1.
7. As evidenced by Finding of Fact No. 3.f., the City failed to ensure that the return lines from the digester and sludge drying beds were properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (5) and TPDES Permit No. WQ0011510002, Operational Requirements No. 1.
8. As evidenced by Finding of Fact No. 3.g., the City failed to prevent the discharge of floating solids or visible foam in other than trace amounts in the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 4.
9. As evidenced by Finding of Fact No. 5., the City failed to pay all outstanding consolidated water quality fees and public health service fees, in violation of TEX. WATER CODE §§ 5.702, 26.0291, TEX. HEALTH & SAFETY CODE § 341.041 and 30 TEX. ADMIN. CODE §§ 21.4 and 290.51(a)(3).
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City 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.
11. An administrative penalty in the amount of sixteen thousand three hundred eighty-five dollars (\$16,385.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Sixteen thousand three hundred eighty-five dollars (\$16,385.00) will be offset on the condition that the City complete the Supplemental Environmental Project ("SEP") as ordered.

ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of sixteen thousand three hundred eighty-five dollars (\$16,385.00) as set forth in Conclusion of Law No. 11 for violations of TCEQ rules and state statutes. The City shall implement and complete an SEP in accordance with TEX. WATER CODE § 7.067. Sixteen thousand three hundred eighty-five dollars (\$16,385.00) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in "Attachment A", incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

The payment of this administrative penalty and the City's compliance with all of 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 "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: the City of Elsa; Docket No. 2004-0026-MWD-E." to:

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

2. The City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, the City shall ensure there is no discharge of floating solids or visible foam other than trace amounts in the receiving stream in accordance with TPDES Permit No. WQ0011510002, Effluent Limitations and Monitoring Requirements No. 4
 - b. Within 45 days after the effective date of the Commission's Order, submit written certification of Ordering Provision 2.a.; and
 - c. The City shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions to:

Order Compliance Team
Enforcement Division, MC 149A
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

and

Ms. Irene Casares, Water Section Manager
Texas Commission on Environmental Quality
Harlingen Regional Office; MC R-15
1804 West Jefferson Ave.
Harlingen, TX 78550-5247

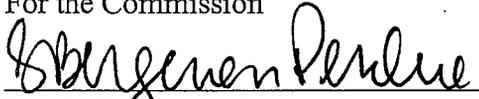
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City has the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. 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 City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all of the terms and conditions set forth in this Agreed Order, whichever is later.

8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, 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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/26/07

Date

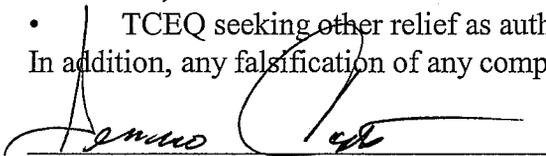
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Elsa. I represent that I am authorized to agree to the attached Agreed Order on behalf of the City of Elsa, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting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

I understand that by entering into this Agreed Order, the City of Elsa 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 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

November 13, 2006

Date

Senovio Castillo
Name (printed or typed)
Authorized Representative
The City of Elsa

Mayor

Title

Attachment A
Docket Number: 2004-0026-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	The City of Elsa
Penalty Amount:	Sixteen Thousand Three Hundred Eighty-Five Dollars (\$16,385.00)
SEP Amount:	Sixteen Thousand Three Hundred Eighty-Five Dollars (\$16,385.00)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc.
Location of SEP:	Hidalgo County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used in the Texas Association of Resource Conservation and Development Areas, Inc. - Abandoned Tire Clean-Up Project which provides the coordinated clean-up of sites where tires have been disposed of illegally. Eligible sites will be limited to areas where a responsible party can not be identified and where there is no preexisting obligation to clean up the site by the owner of the property and where reasonable efforts have been or will be made to prevent the dumping. The contribution will be used for the direct cost of collection and disposal of debris and tires. The contribution from this agreement will be used to fund several clean up events which have an estimated cost of \$2,500 per event.

B. Environmental Benefit

This program will help the Hidalgo County community eliminate or reduce dangers and health threats associated with illegal tire sites. This SEP will provide a discernible environmental benefit by protecting water sources for drinking, recreation, and wildlife from contaminated runoff from illegal tire sites. The SEP will also reduce the risk of air contaminants from potential fires at the tire sites. Tire sites also provide breeding areas for disease vectors such as mosquitoes and rats.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the Agreed Order with the contribution check to:

Texas Association of RC&D Areas
NRCS Coordinator
c/o Rio Bravo RC&D Council
1716 Briarcrest Drive, Suite 510
Bryan, TX 77802-2700

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due for failure to fully perform shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.