

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0374-MWD-E **TCEQ ID:** RN102186772 **CASE NO.:** 32897

RESPONDENT NAME: City of Reno

ORDER TYPE:		
<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	
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: City of Reno Wastewater Treatment Facility, located approximately one and one third miles southwest of the intersection of Farm-to Market Road 195 and Northwest Seventh Street, Lamar County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on October 8, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Mr. Samuel Short, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-5363; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable Weldon M. Coston, Mayor, City of Reno, 160 Blackburn Street, Reno, Texas 75462 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 23, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 26, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0012162001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001A].</p>	<p>Total Assessed: \$4,540</p> <p>Total Deferred: \$908 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$3,632</p> <p>Total Paid (Due) to General Revenue: \$0</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>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On October 21, 2005, a motor starter was repaired by replacing a coil and installing a contact kit;</p> <p>b. On May 1, 2006, a leak in the chlorine pressure line was repaired; and</p> <p>c. On June 30, 2006, returned to compliance with permitted effluent limits.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

Additional ID No(s): TPDES Permit No. WQ0012162001

Attachment A
Docket Number: 2007-0374-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Reno
Penalty Amount: Three Thousand Six Hundred Thirty-Two Dollars (\$3,632)
SEP Offset Amount: Three Thousand Six Hundred Thirty-Two Dollars (\$3,632)
Type of SEP: Custom (with a pre-approved concept)
Location of SEP: Lamar County

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

1. Project Description

A. Project

The Respondent shall create and operate a used oil and antifreeze collection and recycling center. The center will offer to the public a free and convenient method of disposing of used oil, oil filters, and antifreeze. SEP funds will be used solely for the direct costs of operating the center and no portion of the funds will be spent on administrative costs. The Respondent shall provide staff to ensure that the antifreeze and oil collection containers receive only their designated materials. The Respondent shall ensure that the site is fenced and locked in a secure area.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will also provide a discernible environmental benefit by limiting potentially toxic or hazardous wastes from the household waste streams and diverting the waste to be recycled. Collection and recycling of antifreeze and used oil products will provide a safe and convenient means for the proper disposal of the materials, which can leach into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementing the SEP. The Respondent shall complete the project (by spending at least the Offset Amount) within one year of the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. If the project is completed within 90 days of the effective date of this Agreed Order, only a final report will be required.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached. If employee time is claimed for the SEP, timesheets signed by a supervisor and indicating overtime hours worked will be required;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Gallons, pounds, or other quantified amount of antifreeze and oil collected;
5. Gallons, pounds, or other quantified amount of antifreeze and oil recycled;
6. Manifests or receipts showing proper recycling (or disposal) of collected materials;
7. Photographs of the project; and
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175

P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

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

In the event of incomplete performance of the SEP, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP on the check. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

6. 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.

7. Clean Texas Program

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

8. 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 orders negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

DATES	Assigned	5-Mar-2007	Screening	12-Mar-2007	EPA Due	
	PCW	13-Mar-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Reno		
Reg. Ent. Ref. No.	RN102186772		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	32897	No. of Violations	1
Docket No.	2007-0374-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Cari-Michel La Caille
Multi-Media		EC's Team	EnforcementTeam 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
ADJUSTMENTS (+/-) TO SUBTOTAL 1		
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small>		
Compliance History	152% Enhancement	Subtotals 2, 3, & 7
		\$3,040
Notes	A 152% enhancement is recommended for having 30 NOVs for self reported effluent data violations and one NOV without a same or similar violation within the last five years.	
Culpability	No 0% Enhancement	Subtotal 4
		\$0
Notes	The Respondent does not meet the culpability criteria.	
Good Faith Effort to Comply	25% Reduction	Subtotal 5
		\$500
	<small>Before NOV NOV to EDRP/Settlement Offer</small>	
Extraordinary		
Ordinary	X	
N/A		<small>(mark with x)</small>
Notes	The Respondent came into compliance on June 30, 2006.	
	0% Enhancement*	Subtotal 6
		\$0
<small>Total EB Amounts</small>	\$50	
<small>Approx. Cost of Compliance</small>	\$2,000	
	<small>*Capped at the Total EB \$ Amount</small>	
SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,540
OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment
		\$0
Notes		
	Final Penalty Amount	\$4,540
STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,540
DEFERRAL	20% Reduction	Adjustment
		-\$908
Notes	Deferral offered for expedited settlement.	
PAYABLE PENALTY		\$3,632

Screening Date 12-Mar-2007

Docket No. 2007-0374-MWD-E

PCW

Respondent City of Reno

Policy Revision 2 (September 2002)

Case ID No. 32897

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102186772

Media [Statute] Water Quality

Enf. Coordinator Carl-Michel La Caille

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)	30	150%
	Other written NOVs	1	2%
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) 152%

>> 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

A 152% enhancement is recommended for having 30 NOVs for self reported effluent data violations and one NOV without a same or similar violation within the last five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 152%

Screening Date 12-Mar-2007

Docket No. 2007-0374-MWD-E

PCW

Respondent City of Reno

Policy Revision 2 (September 2002)

Case ID No. 32897

PCW Revision November 17, 2006

Reg. Ent. Reference No. RN102186772

Media [Statute] Water Quality

Enf. Coordinator Cari-Michel La Caille

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a), TPDES Permit No. WQ0012162001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001A

Violation Description Failed to comply with the permitted effluent limits as documented during a record review conducted on January 23, 2007. See attached effluent violation 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

A simplified model was used to evaluate ammonia nitrogen ("NH3-N") to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Daily average flow, carbonaceous biochemical oxygen demand ("CBOD") values, total suspended solids ("TSS") and chlorine residual were also considered. As a result of these discharges, 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 2

93 Number of violation days

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

mark only one with an x

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$50

Violation Final Penalty Total \$4,540

This violation Final Assessed Penalty (adjusted for limits) \$4,540

Economic Benefit Worksheet

Respondent City of Reno
Case ID No. 32897
Reg. Ent. Reference No. RN102186772
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

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)	\$2,000	31-Dec-2005	30-Jun-2006	0.5	\$50	n/a	\$50

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 of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,000

TOTAL

\$50

Effluent Violation Table
 City of Reno
 TPDES Permit No. WQ0012162001
 Docket No. 2007-0374-MWD-E

Permitted Effluent Limits Outfall 001A	Monitoring Period End Date		
	12/31/05	01/31/06	05/31/06
TSS Daily Avg. 15 mg/L	18.50	C	C
Chlorine Residual 0.5 Min. mg/L	.48	C	.16
CBOD Daily Avg. 10 mg/L	10.65	C	C
NH₃-N Daily Avg. 3 mg/L	6.08	5.92	C
NH₃-N Daily Max. 10 mg/L	12.3	C	C

TSS= Total Suspended Solids	CBOD= Carbonaceous Biochemical Oxygen Demand	mg/L = Milligrams per liter
NH ₃ -N= Ammonia Nitrogen	C= Compliant	

Compliance History

Customer/Respondent/Owner-Operator:	CN601181407	City of Reno	Classification: AVERAGE	Rating: 1.77
Regulated Entity:	RN102186772	CITY OF RENO WWTP	Classification: AVERAGE	Site Rating: 1.77
ID Number(s):	WASTEWATER	PERMIT		WQ0012162001
	WASTEWATER	PERMIT		TPDES0082309
	WASTEWATER	PERMIT		TX0082309
	WASTEWATER LICENSING	LICENSE		WQ0012162001
Location:	APPROXIMATELY 1 1/3 MILES SW OF THE INTERSECTION OF FM 195 AND NORTHWEST 7TH ST IN LAMAR COUNTY			Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	March 07, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 07, 2002 to March 07, 2007			

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

Name: Cari-Michel La Caille Phone: 512-239-1387

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- | | | |
|-----|------------|----------|
| 1 | 03/18/2002 | (205759) |
| N/A | | |
| 2 | 04/15/2002 | (205764) |
| 3 | 05/20/2002 | (205768) |
| 4 | 06/20/2002 | (205770) |
| 5 | 07/19/2002 | (205772) |
| 6 | 08/19/2002 | (205774) |
| 7 | 09/18/2002 | (205776) |
| 8 | 10/18/2002 | (205778) |
| 9 | 11/18/2002 | (205779) |
| 10 | 12/18/2002 | (205782) |
| 11 | 01/21/2003 | (205785) |
| 12 | 02/20/2003 | (205757) |
| 13 | 03/06/2003 | (25954) |
| 14 | 03/17/2003 | (205760) |
| 15 | 04/14/2003 | (31560) |
| 16 | 04/21/2003 | (205765) |
| 17 | 05/19/2003 | (315603) |
| 18 | 06/20/2003 | (315604) |
| 19 | 07/17/2003 | (315605) |
| 20 | 08/18/2003 | (315606) |
| 21 | 09/18/2003 | (315607) |
| 22 | 10/20/2003 | (315608) |
| 23 | 11/18/2003 | (315609) |

24 12/18/2003 (315610)
 25 01/20/2004 (315611)
 26 03/19/2004 (315601)
 27 04/28/2004 (315602)
 28 05/12/2004 (268325)
 29 05/17/2004 (360550)
 30 06/14/2004 (424432)
 31 06/15/2004 (360551)
 32 07/08/2004 (279770)
 33 08/19/2004 (360549)
 34 08/19/2004 (360552)
 35 09/17/2004 (360553)
 36 10/18/2004 (386608)
 37 11/18/2004 (386609)
 38 11/30/2004 (337147)
 39 12/20/2004 (386610)
 40 01/17/2005 (386611)
 41 02/18/2005 (386606)
 42 03/18/2005 (386607)
 43 04/18/2005 (424430)
 44 05/11/2005 (424431)
 45 06/17/2005 (424433)
 46 07/15/2005 (445189)
 47 07/27/2005 (399816)
 48 08/15/2005 (445190)
 49 09/20/2005 (445191)
 50 10/21/2005 (476353)
 51 11/18/2005 (476354)
 52 12/20/2005 (476355)
 53 01/20/2006 (476356)
 54 02/21/2006 (476351)
 55 03/14/2006 (452687)
 56 03/20/2006 (476352)
 57 04/12/2006 (503448)
 58 05/17/2006 (503449)
 59 06/16/2006 (503450)
 60 07/10/2006 (525816)
 61 08/21/2006 (525817)
 62 09/11/2006 (525818)
 63 02/27/2007 (537595)

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

Date	08/31/2002	(205776)		
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	12/31/2002	(205785)		
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	01/31/2003	(205757)		
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	04/30/2003	(315603)		
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	05/31/2003	(315604)		
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	06/30/2003	(315605)		
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	09/30/2003	(315608)		
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	12/31/2003	(315611)		
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	01/31/2004	(360549)		
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	03/31/2004	(315602)		
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	04/29/2004	(268325)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to properly maintain the wastewater treatment plant's effluent flow meter within the required 10 percent accuracy level.			
Date	04/30/2004	(360550)		
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	05/31/2004	(424432)		
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	06/30/2004	(360551)		
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	07/31/2004	(360552)		
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	08/31/2004	(360553)		
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	10/31/2004	(386609)		
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	11/30/2004	(386610)		
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	12/31/2004	(386611)		
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	01/31/2005 (386606)		
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	02/28/2005 (386607)		
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	03/31/2005 (424430)		
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	04/30/2005 (424431)		
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	05/31/2005 (424433)		
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	06/30/2005 (445189)		
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	07/31/2005 (445190)		
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	08/31/2005 (445191)		
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	09/30/2005 (476353)		
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 (476356)		
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	01/31/2006 (476351)		
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	05/31/2006 (503450)		
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 RENO
RN102186772**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2007-0374-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 the City of Reno ("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 wastewater treatment facility located approximately one and one third miles southwest of the intersection of Farm-to-Market Road 195 and Northwest Seventh Street in Lamar County, Texas (the "Facility").
2. The City has discharged wastewater 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 March 3, 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 Four Thousand Five Hundred Forty Dollars (\$4,540) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Nine Hundred Eight Dollars (\$908) 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. Three Thousand Six Hundred Thirty-Two Dollars (\$3,632) will be conditionally offset by the City's completion of a Supplemental Environmental Project.

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 Facility:
 - a. On October 21, 2005, a motor starter was repaired by replacing a coil and installing a contact kit;
 - b. On May 1, 2006, a leak in the chlorine pressure line was repaired; and
 - c. On June 30, 2006, returned to 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 limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a), TPDES Permit No. WQ0012162001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2 for Outfall 001A, as documented during a record review conducted on January 23, 2007, as indicated in the table below.

City of Reno TPDES Permit No. WQ0012162001 Docket No. 2007-0374-MWD-E			
Permitted Effluent Limits Outfall 001A	Monitoring Period End Date		
	12/31/05	01/31/06	05/31/06
TSS Daily Avg. 15 mg/L	18.50	C	C
Chlorine Residual 0.5 Min. mg/L	.48	C	.16
CBOD Daily Avg. 10 mg/L	10.65	C	C
NH ₃ -N Daily Avg. 3 mg/L	6.08	5.92	C
NH ₃ -N Daily Max. 10 mg/L	12.3	C	C
TSS= Total Suspended Solids	CBOD= Carbonaceous Biochemical Oxygen Demand	mg/L = Milligrams per liter	
NH ₃ -N= Ammonia Nitrogen	C=Compliant		

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 Reno, Docket No. 2007-0374-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 implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Six Hundred Thirty-Two Dollars (\$3,632) 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 full completion of all provisions of the SEP agreement.
3. 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 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 shall have 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. 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.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the 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

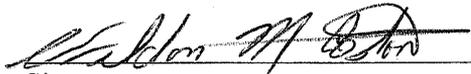
Date 10/18/07

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

Date August 2, 2007

Weldon M. Coston

Name (Printed or typed)
Authorized Representative of
City of Reno

Title **Mayor**

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.

Attachment A

Docket Number: 2007-0374-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Reno
Penalty Amount:	Three Thousand Six Hundred Thirty-Two Dollars (\$3,632)
SEP Offset Amount:	Three Thousand Six Hundred Thirty-Two Dollars (\$3,632)
Type of SEP:	Custom (with a pre-approved concept)
Location of SEP:	Lamar County

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

1. Project Description

A. Project

The Respondent shall create and operate a used oil and antifreeze collection and recycling center. The center will offer to the public a free and convenient method of disposing of used oil, oil filters, and antifreeze. SEP funds will be used solely for the direct costs of operating the center and no portion of the funds will be spent on administrative costs. The Respondent shall provide staff to ensure that the antifreeze and oil collection containers receive only their designated materials. The Respondent shall ensure that the site is fenced and locked in a secure area.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will also provide a discernible environmental benefit by limiting potentially toxic or hazardous wastes from the household waste streams and diverting the waste to be recycled. Collection and recycling of antifreeze and used oil products will provide a safe and convenient means for the proper disposal of the materials, which can leach into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementing the SEP. The Respondent shall complete the project (by spending at least the Offset Amount) within one year of the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. If the project is completed within 90 days of the effective date of this Agreed Order, only a final report will be required.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached. If employee time is claimed for the SEP, timesheets signed by a supervisor and indicating overtime hours worked will be required;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Gallons, pounds, or other quantified amount of antifreeze and oil collected;
5. Gallons, pounds, or other quantified amount of antifreeze and oil recycled;
6. Manifests or receipts showing proper recycling (or disposal) of collected materials;
7. Photographs of the project; and
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Texas Commission on Environmental Quality
Litigation Division
Attention: SEP Coordinator, MC 175

P.O. Box 13087
Austin, Texas 78711-3087

4. Additional Information and Access

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

5. Failure to Fully Perform

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

In the event of incomplete performance of the SEP, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP on the check. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

6. 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.

7. Clean Texas Program

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

8. 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 orders negotiated with the TCEQ or any other agency of the state or federal government.

