

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0482-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System Permit No. 10552-001 and RN101920718

CASE NO.: 24885

RESPONDENT NAME: City of Ector

ORDER TYPE:

<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:

<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> AIR	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE	<input type="checkbox"/> MUNICIPAL SOLID WASTE
<input type="checkbox"/> OCCUPATIONAL CERTIFICATION	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> RADIOACTIVE WASTE
<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL	<input type="checkbox"/> USED OIL
<input type="checkbox"/> USED OIL FILTER	<input checked="" type="checkbox"/> WATER QUALITY		

SITE WHERE VIOLATION(S) OCCURRED: City of Ector, U.S. Highway 82 and Farm-to-Market Road 898, Ector, Fannin County

TYPE OF OPERATION: Municipal waste water treatment plant

SMALL BUSINESS: Yes No

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

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on January 29, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Mr. Michael Meyer, Enforcement Division, Enforcement Section IV, MC 128, (512) 239-4492; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

Central Office Investigator: Ms. Jennifer Talley, Enforcement Division, Enforcement Section V, MC 224, (512) 239-3407

Respondent: The Honorable Mary Dean Norris, Mayor, City of Ector, P.O. Box 188, Ector, Texas 75439

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

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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 11, 2005</p> <p>Date of NOE Relating to this Case: February 22, 2005 (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 for 5-day biochemical oxygen demand, total suspended solids and pH [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10552-001, Effluent Limitations and Monitoring Requirements 1 and 3 and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$4,680</p> <p>Total Deferred: \$936 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$3,744</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <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>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10552-001.</p>

Penalty Calculation Worksheet (PCW)
 Policy Revision 2 (September 2002) PCW Revision March 02, 2005

DATES	Assigned	28-Feb-2005	Screening	09-Mar-2005	Priority Due	29-Apr-2005	EPA Due	
	PCW	13-Jun-2005						

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Ector
Reg. Ent. Ref. No.	RN101920718
Additional ID No(s).	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10552-001
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	24885	No. of Violations	1
Docket No.	2005-0482-MWD-E	Order Type	1660
Case Priority	3	Enf. Coordinator	Michael Meyer
Media Program(s)	Water Quality	EC's Team	Enforcement Team 8
Multi-Media			
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	144% Enhancement	Subtotals 2, 3, & 7	\$2,880
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Notes The penalty enhancement is for 28 months of self-reported effluent violations and two prior NOV's, dated November 20, 2000 and August 13, 2003, for violations that are dissimilar to the violations contained in the current enforcement action.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	0% Reduction	Subtotal 5	\$0
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	x	<i>(mark with a small x)</i>

Notes The Respondent is not yet in compliance.

Economic Benefit	0% Enhancement	Subtotal 6	\$0
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Total EB Amounts	\$355	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$3,200	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$4,880
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OTHER FACTORS AS JUSTICE MAY REQUIRE	4% Reduction	Adjustment	-\$200
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes A reduction is recommended so that monthly self-reported effluent violations do not overly impact the penalty amount.

Final Penalty Amount	\$4,680
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$4,680
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DEFERRAL	20% Reduction	Adjustment	-\$936
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY	\$3,744
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Screening Date	09-Mar-2005	Docket No.	2005-0482-MWD-E	PCW
Respondent	City of Ector	Policy Revision 2 (September 2002)		
Case ID No.	24885	PCW Revision March 02, 2005		
Reg. Ent. Reference No.	RN101920718			
Additional ID No(s)	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10552-001			
Media [Statute]	Water Quality			
Enf. Coordinator	Michael Meyer			
Site Address	U.S. Highway 82 and Farm-to-Market Road 898, Ector, Fannin 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 (<i>number of NOVs meeting criteria</i>)	28	140%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an Intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
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) 144%

>> Repeat Violator (Subtotal 3)

No **Adjustment Percentage (Subtotal 3)** 0%

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

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

>> Compliance History Summary

Compliance History Notes

The penalty enhancement is for 28 months of self-reported effluent violations and two prior NOVs, dated November 20, 2000 and August 13, 2003, for violations that are dissimilar to the violations contained in the current enforcement action.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 144%

Screening Date 09-Mar-2005	Docket No. 2005-0482-MWD-E	PCW
Respondent City of Ector	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 24885	<i>PCW Revision March 02, 2005</i>	
Reg. Ent. Reference No. RN101920718		
Additional ID No(s). Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10552-001		
Media [Statute] Water Quality		
Enf. Coordinator Michael Meyer		
Violation Number	1	
Primary Rule Cite(s)	Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10552-001, Effluent Limitations and Monitoring Requirements 1 and 3	
Secondary Rule Cite(s)	Tex. Water Code § 26.121(a)	
Violation Description	Failure to comply with the permitted effluent limits for 5-day biochemical oxygen demand ("BOD5"), total suspended solids ("TSS"), and pH at Outfall 001 (see attached Effluent Limit Violation Table), as documented during a record review conducted on February 11, 2005.	
Base Penalty		\$10,000

>> **Environmental, Property and Human Health Matrix**

Harm				
	Release	Major	Moderate	Minor
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
				Percent <input type="text" value="10%"/>

>> **Programmatic Matrix**

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

Matrix Notes

Using the simplified model, it was determined that, as a result of these discharges, the environment was exposed to insignificant amounts of pollutants that did not exceed levels protective of human health and environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

	<i>daily</i>	<input type="checkbox"/>
	<i>monthly</i>	<input type="checkbox"/>
<i>mark only one</i>	<i>quarterly</i>	<input type="checkbox"/>
<i>use a small x</i>	<i>semiannual</i>	<input checked="" type="checkbox"/>
	<i>annual</i>	<input type="checkbox"/>
	<i>single event</i>	<input type="checkbox"/>

Violation Base Penalty

Two semi-annual events are recommended for the months of March through September 2004 based on the February 11, 2005 record review.

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 Ector
 Case ID No. 24885
 Reg. Ent. Reference No. RN101920718
 Additional ID No(s). Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10552-001
 Media [Statute] 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
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$3,200	01-Mar-2004	30-Sep-2005	1.6	\$17	\$338	\$355
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: This is an estimate of the cost for additional oversight and sampling which might have reduced or alleviated the exceedances. The Date Required is the initial month of noncompliance (3/2004) and the Final Date is the projected date of compliance.

Item Description	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 **\$3,200**

TOTAL \$355

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be easily accessible to all relevant parties.

Date	Description	Debit	Credit	Balance
2023-01-01	Opening Balance			1000.00
2023-01-05	Revenue from Sales		500.00	1500.00
2023-01-10	Payment to Suppliers	300.00		1200.00
2023-01-15	Salary Payments	200.00		1000.00
2023-01-20	Interest Income		50.00	1050.00
2023-01-25	Revenue from Services		300.00	1350.00
2023-01-30	Office Expenses	150.00		1200.00
2023-02-05	Revenue from Sales		400.00	1600.00
2023-02-10	Payment to Suppliers	250.00		1350.00
2023-02-15	Salary Payments	180.00		1170.00
2023-02-20	Interest Income		40.00	1210.00
2023-02-25	Revenue from Services		250.00	1460.00
2023-02-30	Office Expenses	120.00		1340.00

The second part of the document provides a detailed breakdown of the revenue and expense accounts. This information is crucial for understanding the company's financial performance and for identifying areas for improvement. The revenue accounts show the sources of income, while the expense accounts show the costs incurred in the process of generating that income.

Compliance History

Customer/Respondent/Owner-Operator: CN600738801 City of Ector Classification: AVERAGE Rating: 1.790
Regulated Entity: RN101920718 CITY OF ECTOR Classification: AVERAGE Site Rating: 1.79
ID Number(s):
WASTEWATER LICENSING LICENSE WQ0010552001
WASTEWATER PERMIT TPDES0025151
WASTEWATER PERMIT WQ0010552001

Location: LOCATED ON US HIGHWAY 82 AND FM 898 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: March 30, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: March 08, 2000 to March 08, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Michael Meyer Phone: (512) 239-4492

Site Compliance History Components

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

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	11/20/2000	(38314)
2	03/12/2004	(354335)
3	05/10/2004	(354336)
4	07/09/2004	(354337)
5	08/23/2004	(354338)
6	09/13/2004	(354339)
7	10/11/2004	(354340)
8	11/08/2004	(354341)
9	08/13/2003	(149594)
10	08/07/2002	(3587)
11	04/16/2001	(171482)
12	02/14/2002	(171483)
13	02/18/2003	(300966)
14	02/17/2004	(300967)
15	04/16/2001	(171484)
16	04/16/2004	(300968)
17	03/18/2002	(171485)

18 05/16/2003 (300969)
 19 03/17/2003 (171486)
 20 04/16/2001 (171487)
 21 04/15/2002 (171488)
 22 06/06/2003 (300970)
 23 04/22/2003 (171489)
 24 05/16/2002 (171490)
 25 06/16/2004 (300971)
 26 07/15/2003 (300972)
 27 06/17/2002 (171491)
 28 08/25/2003 (300973)
 29 07/23/2001 (171492)
 30 10/15/2003 (252245)
 31 09/22/2003 (300974)
 32 07/15/2002 (171493)
 33 10/20/2003 (300975)
 34 11/18/2003 (300976)
 35 08/16/2001 (171494)
 36 12/15/2003 (300977)
 37 01/17/2003 (300978)
 38 08/19/2002 (171495)
 39 01/09/2004 (300979)
 40 09/17/2001 (171496)
 41 09/18/2002 (171497)
 42 10/19/2001 (171498)
 43 10/17/2002 (171499)
 44 11/16/2001 (171500)
 45 11/18/2002 (171501)
 46 12/17/2001 (171502)
 47 12/13/2002 (171503)
 48 01/22/2002 (171504)
 49 02/22/2005 (350583)

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

Date: 11/20/2000 (38314)
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP IA
 Description: FAILURE TO COMPLY

Date: 04/30/2004 (354336)
 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 (354337)
 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 (354338)
 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 (354339)
 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: 09/30/2004 (354340)
 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 (354341)
 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 (300968)
 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 (300969)

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: 03/31/2002 (171488)

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: 08/13/2003 (149594)

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to adequately protect the public water supply system.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to comply with flow limits.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to comply with permitted effluent limitations.

Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Description: Failure to submit noncompliance notifications as required.
 Date: 03/31/2003 (171489)

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 (300970)

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 (300971)

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: 04/30/2002 (171490)

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 (300972)

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: 05/31/2002 (171491)

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: 07/31/2003 (300973)

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: 06/30/2001 (171492)

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: 08/31/2003 (300974)

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2002 (171493)

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: 07/31/2001 (171494)

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

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2002 (171495) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2001 (171496) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2002 (171497) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2001 (171498) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2002 (171499) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2001 (171500) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2004 Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2004 Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN	§	BEFORE THE
ENFORCEMENT ACTION	§	
CONCERNING	§	
CITY OF ECTOR	§	TEXAS COMMISSION ON
TEXAS POLLUTANT DISCHARGE	§	
ELIMINATION SYSTEM PERMIT	§	
NO. 10552-001	§	
RN101920718	§	ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2005-0482-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. Ector owns and operates a municipal waste water treatment plant at U.S. Highway 82 and Farm-to-Market Road 898 in Ector, Fannin County, Texas (the "Facility").
2. Ector has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and Ector agree that the Commission has jurisdiction to enter this Agreed Order, and that Ector is subject to the Commission's jurisdiction.
4. Ector received notice of the violations alleged in Section II ("Allegations") on or about February 28, 2005.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by Ector of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Six Hundred Eighty Dollars (\$4,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Ector has paid Three Thousand Seven Hundred Forty-Four Dollars (\$3,744) of the administrative penalty and Nine Hundred Thirty-Six Dollars (\$936) is deferred contingent upon Ector'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 Ector fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require Ector to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and Ector have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that Ector has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, Ector is alleged to have failed to comply with the permitted effluent limits for 5-day biochemical oxygen demand ("BOD5"), total suspended solids ("TSS") and pH, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10552-001, Effluent Limitations and Monitoring Requirements 1 and 3 and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on February 11, 2005.

DATE	PARAMETER	PERMITTED LIMIT	REPORTED VALUE
March 2004	BOD5 Daily Average	30 mg/L	38.2 mg/L
April 2004	TSS Daily Average pH Daily Maximum	90 mg/L 9.0 SU	124.75 mg/L 9.4 SU
May 2004	BOD5 Daily Average BOD5 Daily Maximum TSS Daily Average pH Daily Maximum	30 mg/L 100 mg/L 90 mg/L 9.0 SU	72.2 mg/L 114 mg/L 117.6 mg/L 9.72 SU
June 2004	pH Daily Maximum	9.0 SU	9.4 SU

DATE	PARAMETER	PERMITTED LIMIT	REPORTED VALUE
July 2004	pH Daily Maximum	9.0 SU	9.6 SU
August 2004	BOD5 Daily Average	30 mg/L	43.4 mg/L
	pH Daily Maximum	9.0 SU	9.5 SU
September 2004	BOD5 Daily Average	30 mg/L	30.25 mg/L
	pH Daily Maximum	9.0 SU	9.4 SU

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that Ector pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and Ector'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 Ector, Docket No. 2005-0482-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. Within 30 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10552-001 to:

Work Leader
Team 5, Section III
Enforcement Division, MC 149
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

3. The provisions of this Agreed Order shall apply to and be binding upon Ector. Ector is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business or organization. The text outlines various methods for recording transactions, including the use of journals, ledgers, and spreadsheets. It also discusses the importance of regular audits and reconciliations to ensure the accuracy of the records.

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4. If Ector 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, Ector's failure to comply is not a violation of this Agreed Order. Ector shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. Ector shall notify the Executive Director within seven days after Ector 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 Ector shall be made in writing to the Executive Director. Extensions are not effective until Ector 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 Ector 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 Ector, or three days after the date on which the Commission mails notice of the Order to Ector, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved. The document outlines the various methods and procedures that should be followed to ensure that all transactions are properly documented and recorded.

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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

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 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

6/29/05

Date

Mary Dean Norris

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

Mayor

Title



For the Executive Director

2/26/07

Date

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.

STATE OF WISCONSIN
MILWAUKEE COUNTY

IN SENATE,
JANUARY 12, 1972.

REPORT

OF THE
COMMISSIONERS OF THE
MILWAUKEE COUNTY
WATER SUPPLY BOARD

FOR THE YEAR
ENDING DECEMBER 31, 1971

AND
FOR THE YEAR
ENDING DECEMBER 31, 1970

AND
FOR THE YEAR
ENDING DECEMBER 31, 1969

AND
FOR THE YEAR
ENDING DECEMBER 31, 1968

AND
FOR THE YEAR
ENDING DECEMBER 31, 1967

AND
FOR THE YEAR
ENDING DECEMBER 31, 1966

AND
FOR THE YEAR
ENDING DECEMBER 31, 1965

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