

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1545-MWD-E    **TCEQ ID:** RN101920502    **CASE NO.:** 31090  
**RESPONDENT NAME:** City of Florence

**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 Florence Waste Water Treatment Plant, approximately 1.25 miles southeast of the intersection of State Highway 195 and Farm-to-Market Road 487, Williamson County

**TYPE OF OPERATION:** Domestic wastewater system

**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. Ruben Soto, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4571; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** The Honorable Paul Ward, Mayor, City of Florence, P.O. Box 430, Florence, Texas 76527

**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: August 8, 2006</p> <p>Date of NOE Relating to this Case: August 24, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with 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. 10944001 Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failed to submit the annual sludge report by September 1, 2005 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10944001 Sludge Provisions].</p>	<p>Total Assessed: \$8,700</p> <p>Total Deferred: \$1,740  <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: \$6,960</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><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report in accordance with the requirements of TPDES Permit No. 10944001;</p> <p>b. Within 60 days after the effective date of this Agreed Order, achieve compliance with permitted effluent limits as required in TPDES Permit No. 10944001; and</p> <p>c. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions a. and b. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>



Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

<b>DATES</b>	<b>Assigned</b>	28-Aug-2006	<b>Screening</b>	05-Sep-2006	<b>EPA Due</b>	
	<b>PCW</b>	01-Sep-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Florence
<b>Reg. Ent. Ref. No.</b>	RN101920502
<b>Facility/Site Region</b>	11-Austin
<b>Major/Minor Source</b>	Minor Source

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	31090	<b>No. of Violations</b>	2
<b>Docket No.</b>	2006-1545-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Ruben Soto
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>	\$3,000
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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.

<b>Compliance History</b>	190% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$5,700
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**Notes**  
The Respondent self-reported 29 months of effluent quality violations and received four Commission issued NOV's with the same or similar violations as those in this current enforcement action. The Respondent was also issued one Agreed Order without a denial of liability by the Commission.

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

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

**Notes**  
The Respondent does not meet the good faith criteria.

<b>Economic Benefit</b>	0% Enhancement*	<b>Subtotal 6</b>	\$0
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Total EB Amounts	\$94	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,250	

<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>	\$8,700
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>		<b>Adjustment</b>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes**

<b>Final Penalty Amount</b>	\$8,700
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<b>STATUTORY LIMIT ADJUSTMENT</b>	<b>Final Assessed Penalty</b>	\$8,700
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<b>DEFERRAL</b>	20% Reduction	<b>Adjustment</b>	-\$1,740
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**  
Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>	\$6,960
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<b>Screening Date</b> 05-Sep-2006	<b>Docket No.</b> 2006-1545-MWD-E	<b>PCW</b>
<b>Respondent</b> City of Florence		<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b> 31090		<i>PCW Revision May 19, 2005</i>
<b>Reg. Ent. Reference No.</b> RN101920502		
<b>Media [Statute]</b> Water Quality		
<b>Enf. Coordinator</b> Ruben Soto		

**Compliance History Worksheet**

**>> Compliance History Site Enhancement (Subtotal 2)**

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOV's with same or similar violations as those in the current enforcement action ( <i>number of NOV's meeting criteria</i> )	33	165%
	Other written NOV's	0	0%
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	1	25%
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) 190%**

**>> 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 Respondent self-reported 29 months of effluent quality violations and received four Commission issued NOV's with the same or similar violations as those in this current enforcement action. The Respondent was also issued one Agreed Order without a denial of liability by the Commission.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 190%**

**Screening Date** 05-Sep-2006

**Docket No.** 2006-1545-MWD-E

**PCW**

**Respondent** City of Florence

*Policy Revision 2 (September 2002)*

**Case ID No.** 31090

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN101920502

**Media [Statute]** Water Quality

**Enf. Coordinator** Ruben Soto

**Violation Number** 1

30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a) and TPDES Permit No. 10944001 Effluent Limitations and Monitoring Requirements No. 1

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

Failure to comply with permitted effluent limits as detailed in the attached effluent chart.

**Base Penalty** \$10,000

**Environmental, Property and Human Health Matrix**

		Harm			
Release		Major	Moderate	Minor	
OR	Actual			X	<b>Percent</b> 10%
	Potential				

**Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

**Matrix Notes**

A simplified model was utilized to evaluate the values for ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded protective levels. Carbonaceous biochemical oxygen demand, flow and total suspended solids 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

**Base Penalty Subtotal** \$1,000

**Violation Events**

**Number of Violation Events** 2

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

**Violation Base Penalty** \$2,000

Two quarterly events are recommended.

**Economic Benefit (EB) for this violation**

**Statutory Limit Test**

**Estimated EB Amount** \$90

**Violation Final Penalty Total** \$5,800

**This violation Final Assessed Penalty (adjusted for limits)** \$5,800

### Economic Benefit Worksheet

Respondent City of Florence  
 Case ID No. 31090  
 Reg. Ent. Reference No. RN101920502  
 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
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Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/costruction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,200	31-Dec-2005	30-Jun-2007	1.5	\$90	n/a	\$90

Notes for DELAYED costs: Estimated cost for additional oversight and sampling which may have alleviated or prevented the noncompliance. Date required is the first month of noncompliance. Final date is the anticipated 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 \$1,200 TOTAL \$90

<b>Screening Date</b>	05-Sep-2006	<b>Docket No.</b>	2006-1545-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Florence	<i>Policy Revision 2 (September 2002)</i>		
<b>Case ID No.</b>	31090	<i>PCW Revision May 19, 2005</i>		
<b>Reg. Ent. Reference No.</b>	RN101920502			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Ruben Soto			
<b>Violation Number</b>	2			
<b>Primary Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10944001 Sludge Provisions.			
<b>Secondary Rule Cite(s)</b>				
<b>Violation Description</b>	Failure to submit the annual sludge report by September 1, 2005.			
<b>Base Penalty</b>	\$10,000			

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

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<b>Percent</b> 10%

Matrix Notes

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

**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 Florence  
 Case ID No. 31090  
 Reg. Ent. Reference No. RN101920502  
 Media [Statute] Water Quality  
 Violation No. 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	Percent Interest	Years of Depreciation
						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)	\$50	01-Sep-2005	31-May-2007	1.7	\$4	n/a	\$4

Notes for DELAYED costs: Estimated cost associated with completing the sludge report. Date required is the date the report was due. Final date is the anticipated 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

TOTAL

## Effluent Limit Violation Table

Respondent: City of Florence  
Docket Number: 2006-1545-MWD-E  
Enforcement Coordinator: Ruben Soto

Corresponds to Violation Number: 1

Month/ Year	TSS Dly. Avg. Conc. Limit: 15 mg/L	TSS Single Grab Conc. Limit: 60 mg/L	NH <sub>3</sub> -N Dly. Avg. Loading Limit: 6.3 lbs/day	NH <sub>3</sub> -N Dly. Avg. Conc. Limit: 3 mg/L	NH <sub>3</sub> -N Single Grab Conc. Limit: 15 mg/L
December 2005	<b>55.7</b>	<b>200</b>	c	c	c
January 2006	c	c	c	<b>4.90</b>	<b>16</b>
February 2006	<b>20.85</b>	c	c	<b>3.95</b>	c
April 2006	c	c	<b>12.245</b>	<b>15.96</b>	<b>24.6</b>

TSS = total suspended solids    NH<sub>3</sub>-N = Ammonia Nitrogen    Conc. = concentration  
Dly. Avg. = daily average    lbs/day = pounds per day    mg/L = milligrams per liter    c = in compliance



## Compliance History

Customer/Respondent/Owner-Operator:	CN600665038 City of Florence	Classification: AVERAGE	Rating: 3.11
Regulated Entity:	RN101920502 CITY OF FLORENCE WWTP	Classification: AVERAGE	Site Rating: 3.43
ID Number(s):	WASTEWATER PERMIT WASTEWATER PERMIT WASTEWATER LICENSE	WQ0010944001 TPDES0078247 WQ0010944001	
Location:	APPROXIMATELY 1.25 MILES SOUTH EAST OF THE INTERSECTION OF STATE HIGHWAY 195 AND FARM-TO-MARKET ROAD 487, WILLIAMSON COUNTY		
TCEQ Region:	REGION 11 - AUSTIN	Rating Date:	September 01, 2006
Date Compliance History Prepared:	September 05, 2006	Repeat Violator:	NO
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	September 05, 2001 to September 05, 2006		
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History			
Name:	Ruben Soto	Phone:	512 239-4571

### 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.
- Effective Date: 11/02/2003 ADMINORDER 2003-0078-MWD-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121  
 Rqmt Prov: REQ 1 Pg 2 PERMIT  
 Description: Failure to comply with the permit limit for TSS at Outfall 001A.
- 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 07/07/2004 (314762)
  - 2 07/07/2004 (314763)
  - 3 03/11/2002 (204079)
  - 4 03/24/2005 (350127)
  - 5 10/29/2003 (249285)
  - 6 07/07/2004 (314765)
  - 7 03/12/2003 (204080)
  - 8 09/18/2002 (IE0008742003001)
  - 9 05/02/2006 (503251)
  - 10 07/07/2004 (314767)
  - 11 05/19/2006 (503252)
  - 12 02/17/2006 (476061)
  - 13 05/13/2004 (272073)
  - 14 03/18/2002 (204082)
  - 15 06/21/2006 (503253)
  - 16 03/29/2006 (476062)
  - 17 07/17/2006 (503254)
  - 18 04/17/2003 (204083)
  - 19 08/22/2003 (314770)
  - 20 10/04/2005 (476063)

21 10/06/2005 (476064)  
22 11/22/2005 (476065)  
23 04/05/2004 (314772)  
24 04/15/2003 (23742)  
25 01/09/2006 (476066)  
26 01/19/2006 (476067)  
27 10/17/2003 (314774)  
28 12/29/2003 (314775)  
29 04/17/2002 (204087)  
30 04/17/2003 (204088)  
31 12/29/2003 (314776)  
32 07/07/2004 (314777)  
33 10/04/2005 (449415)  
34 07/01/2002 (204091)  
35 05/30/2003 (204092)  
36 10/04/2004 (371138)  
37 07/01/2002 (204095)  
38 07/14/2003 (204096)  
39 05/07/2004 (270216)  
40 08/24/2006 (497115)  
41 04/04/2002 (247343)  
42 07/26/2002 (204099)  
43 07/31/2003 (204100)  
44 08/23/2002 (204103)  
45 04/29/2002 (204105)  
46 09/25/2002 (204106)  
47 09/26/2001 (204108)  
48 10/28/2002 (204109)  
49 11/19/2001 (204112)  
50 11/14/2002 (204113)  
51 02/14/2005 (386377)  
52 10/08/2004 (360142)  
53 12/19/2004 (386378)  
54 08/16/2004 (360143)  
55 02/14/2005 (386379)  
56 09/24/2004 (360144)  
57 06/27/2002 (204115)  
58 10/18/2004 (360145)  
59 11/23/2004 (360146)  
60 12/09/2001 (204116)  
61 12/12/2002 (204117)  
62 10/20/2005 (445036)  
63 04/27/2005 (378930)  
64 10/20/2005 (445037)  
65 04/11/2005 (424261)  
66 01/17/2002 (204120)  
67 08/22/2005 (445038)  
68 04/11/2005 (424262)  
69 01/24/2003 (204121)  
70 06/09/2005 (424263)  
71 07/07/2004 (314759)  
72 10/20/2003 (282887)

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

Date: 02/29/2004 (314762)

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: 01/31/2002 (204079)

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 (204080)

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 (314767)  
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: 04/30/2006 (503252)  
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 (476061)  
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: 02/28/2002 (204082)  
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: 02/28/2006 (476062)  
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: 06/30/2006 (503254)  
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: 02/28/2003 (204083)  
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 (314770)  
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 (314772)  
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: 12/30/2005 (476067)  
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 (386378)  
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: 10/31/2003 (314775)  
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: 03/31/2003 (204088)

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: 11/30/2003 (314776)

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 (314777)

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: 10/04/2005 (449415)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 04/30/2002 (204091)

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 (204092)

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: 10/04/2004 (371138)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
30 TAC Chapter 305, SubChapter F 305.125(17)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/31/2002 (204095)

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: 04/04/2002 (247343)

Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 05/31/2003 (204096)

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: 03/19/2004 (258306)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 317 317.4(a)(5)  
Description: Failure to provide safeguards to prevent the discharge of untreated or inadequately treated waste in the event of a power failure.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain an effluent chlorine residual of at least 1.0 mg/L.  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to operate and maintain the wastewater treatment system in a manner that consistently meets the permitted effluent limitations.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]  
30 TAC Chapter 319, SubChapter A 319.7(c)  
Description: Failure to maintain a calibration log for the Chlorine meter.

Date: 06/30/2002 (204099)

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 (204100)

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 (204103)

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: 08/31/2002 (204106)

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: 09/30/2001 (204108)

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: 09/30/2002 (204109)

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 (314759)

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

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# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF FLORENCE  
RN101920502**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2006-1545-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 Florence ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater system at approximately 1.25 miles southeast of the intersection of State Highway 195 and Farm-to-Market Road 487 in Williamson County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about August 29, 2006.
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 Eight Thousand Seven Hundred Dollars (\$8,700) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Six Thousand Nine Hundred Sixty Dollars (\$6,960) of the administrative penalty and One Thousand Seven Hundred Forty Dollars (\$1,740) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and



satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director 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.
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, the City is alleged to have:

1. Failed to comply with permitted effluent limits, as detailed in the chart below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10944001 Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on August 8, 2006.

Month/ Year	TSS Dly. Avg. Conc. Limit: 15 mg/L	TSS Single Grab Conc. Limit: 60 mg/L	NH <sub>3</sub> -N Dly. Avg. Ldg. Limit: 6.3 lbs/day	NH <sub>3</sub> -N Dly. Avg. Conc. Limit: 3 mg/L	NH <sub>3</sub> -N Single Grab Conc. Limit: 15 mg/L
Dec. 2005	55.7	200	c	c	c
Jan. 2006	c	c	c	4.90	16
Feb. 2006	20.85	c	c	3.95	c
Apr. 2006	c	c	12.245	15.96	24.6

TSS = total suspended solids    NH<sub>3</sub>-N = Ammonia Nitrogen    Conc. = concentration  
 Dly. Avg. = daily average    lbs/day = pounds per day    mg/L = milligrams per liter    c = in compliance

2. Failed to submit the annual sludge report by September 1, 2005, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10944001 Sludge Provisions, as documented during a record review conducted on August 8, 2006.



### 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 Florence, Docket No. 2006-1545-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. It is further ordered that the City shall undertake the following technical requirements:
  - a. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report in accordance with the requirements of TPDES Permit No. 10944001 to:

Compliance Monitoring Team (MC224)  
Enforcement Division  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

- b. Within 60 days after the effective date of this Agreed Order, achieve compliance with permitted effluent limits as required in TPDES Permit No. 10944001; and
  - c. Within 75 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provisions Nos. 2.a. and 2.b. The certification shall, include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for

1. The first part of the document is a list of names and addresses.

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submitting false information, including the possibility of fine and imprisonment for knowing violations”.

The certification shall be submitted to:

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

with a copy to:

Manager, Water Section  
Austin Regional Office  
Texas Commission on Environmental Quality  
1921 Cedar Bend Drive, Suite A150  
Austin, Texas 78758-5327

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 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 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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and regression analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

8. The eighth part of the document focuses on the importance of data visualization in presenting complex information in a clear and concise manner. It discusses various visualization techniques, such as bar charts, line graphs, and pie charts, and their applications in data analysis.

9. The ninth part of the document addresses the issue of data security and privacy, highlighting the need for robust security measures to protect sensitive information from unauthorized access and disclosure.

10. The tenth part of the document discusses the role of data in strategic planning and decision-making. It emphasizes that data-driven insights are essential for identifying opportunities, assessing risks, and making informed decisions that drive the organization's success.

11. The eleventh part of the document provides a detailed overview of the data management process, including the selection of data management systems, the implementation of data management policies, and the ongoing monitoring and evaluation of data management practices.

12. The twelfth part of the document discusses the various challenges associated with data management, such as data integration, data consistency, and data accessibility. It provides strategies to address these challenges and ensure that data is managed effectively and efficiently.

13. The thirteenth part of the document focuses on the importance of data governance in ensuring that data is used in a responsible and ethical manner. It discusses the role of data governance frameworks in defining data management policies and procedures, and the importance of ongoing monitoring and evaluation.

14. The fourteenth part of the document provides a detailed overview of the data analysis process, including the identification of data analysis needs, the selection of data analysis methods, and the implementation of data analysis procedures.

15. The fifteenth part of the document discusses the various methods used for data visualization, such as bar charts, line graphs, and pie charts. It explains how these methods are used to present data in a clear and concise manner, and the importance of choosing the right visualization technique for the data being presented.

16. The sixteenth part of the document addresses the issue of data security and privacy, highlighting the need for robust security measures to protect sensitive information from unauthorized access and disclosure. It discusses various security measures, such as encryption, access control, and data backup, and their applications in data management.

17. The seventeenth part of the document discusses the role of data in strategic planning and decision-making. It emphasizes that data-driven insights are essential for identifying opportunities, assessing risks, and making informed decisions that drive the organization's success. It concludes by summarizing the key findings and recommendations of the document.

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

2/26/07  
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

November 7, 2006  
\_\_\_\_\_  
Date

Paul Ward  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Florence

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

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

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