

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NO.:** 2006-1492-MWD-E    **TCEQ ID:** RN102287562    **CASE NO.:** 30989  
**RESPONDENT NAME:** City of La Ward

**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<br>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 La Ward Wastewater Treatment Plant, on the west side of Sam Houston Avenue, approximately 200 feet northeast of the intersection of Palacios Street and Rio Grande Street, La Ward, Jackson County

**TYPE OF OPERATION:** Wastewater 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 February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** None

**TCEQ Enforcement Coordinator:** Ms. Heather Brister, Enforcement Division, Enforcement Section I, MC 169, (512) 239-1203; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896

**Respondent:** The Honorable Joel Hunt, Mayor, City of La Ward, P.O. Box 178, La Ward, Texas 77970

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

RESPONDENT'S NAME: City of La Ward  
 DOCKET NO.: 2006-1492-MWD-E

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS  | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|---|---|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine<br/> <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: July 11, 2006</p> <p>Date of NOE Relating to this Case: August 18, 2006 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p><b>WATER</b></p> <p>1) Failed to comply with the permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013479001, Effluent Limitations and Monitoring Requirements No. 2, and TEX. WATER CODE § 26.121(a)].</p> | <p>Total Assessed: \$8,680</p> <p>Total Deferred: \$1,736<br/> <input checked="" type="checkbox"/> Expedited Settlement<br/> <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,944</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, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013479001. 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> 29-Aug-2006 | <b>EPA Due</b> |
|              | <b>PCW</b> 29-Aug-2006      |                              |                |

|  |                   |
|--|-------------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |                   |
| <b>Respondent</b>                      | City of La Ward   |
| <b>Reg. Ent. Ref. No.</b>              | RN102287562       |
| <b>Facility/Site Region</b>            | 14-Corpus Christi |
| <b>Major/Minor Source</b>              | Minor Source      |

|                          |                          |                          |                    |
|--------------------------|--------------------------|--------------------------|--------------------|
| <b>CASE INFORMATION</b>  |                          |                          |                    |
| <b>Enf./Case ID No.</b>  | 30989                    | <b>No. of Violations</b> | 1                  |
| <b>Docket No.</b>        | 2006-1492-MWD-E          | <b>Order Type</b>        | 1660               |
| <b>Media Program(s)</b>  | Water Quality            | <b>Enf. Coordinator</b>  | Brent Hurta        |
| <b>Multi-Media</b>       |                          | <b>EC's Team</b>         | Enforcement Team 1 |
| <b>Admin. Penalty \$</b> | <b>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> | \$4,000 |
|---|-------------------|---------|

### 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> | 142% Enhancement | <b>Subtotals 2, 3, &amp; 7</b> | \$5,680 |
|---------------------------|------------------|--------------------------------|---------|

**Notes** Enhancement due to 23 self-reported effluent violations, one prior NOV with same or similar violations, one prior NOV without same or similar violations, and one Agreed Order.

|                    |    |                |                   |     |
|--------------------|----|----------------|-------------------|-----|
| <b>Culpability</b> | No | 0% Enhancement | <b>Subtotal 4</b> | \$0 |
|--------------------|----|----------------|-------------------|-----|

**Notes** Respondent did not meet culpability criteria.

|                                    |              |                   |     |
|------------------------------------|--------------|-------------------|-----|
| <b>Good Faith Effort to Comply</b> | 0% Reduction | <b>Subtotal 5</b> | \$0 |
|------------------------------------|--------------|-------------------|-----|

|               | Before NOV | NOV to EDPRP/Settlement Offer |
|---------------|------------|-------------------------------|
| Extraordinary |            |                               |
| Ordinary      |            |                               |
| N/A           | X          | (mark with a small x)         |

**Notes** Respondent did not meet good faith criteria.

|                         |                |                   |     |
|-------------------------|----------------|-------------------|-----|
| <b>Economic Benefit</b> | 0% Enhancement | <b>Subtotal 6</b> | \$0 |
|-------------------------|----------------|-------------------|-----|

|                                   |         |  |
|-----------------------------------|---------|--|
| <b>Total EB Amounts</b>           | \$670   | <i>*Capped at the Total EB \$ Amount</i> |
| <b>Approx. Cost of Compliance</b> | \$5,000 |  |

|                             |                       |         |
|-----------------------------|-----------------------|---------|
| <b>SUM OF SUBTOTALS 1-7</b> | <b>Final Subtotal</b> | \$9,680 |
|-----------------------------|-----------------------|---------|

|   |               |                   |          |
|---|---------------|-------------------|----------|
| <b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b> | 10% Reduction | <b>Adjustment</b> | -\$1,000 |
|---|---------------|-------------------|----------|

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

**Notes** Recommend reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.

|                             |         |
|-----------------------------|---------|
| <b>Final Penalty Amount</b> | \$8,680 |
|-----------------------------|---------|

|                                   |                               |         |
|-----------------------------------|-------------------------------|---------|
| <b>STATUTORY LIMIT ADJUSTMENT</b> | <b>Final Assessed Penalty</b> | \$8,680 |
|-----------------------------------|-------------------------------|---------|

|                 |               |                   |          |
|-----------------|---------------|-------------------|----------|
| <b>DEFERRAL</b> | 20% Reduction | <b>Adjustment</b> | -\$1,736 |
|-----------------|---------------|-------------------|----------|

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> | \$6,944 |
|------------------------|---------|

|                                |                 |   |                 |            |
|--------------------------------|-----------------|---|-----------------|------------|
| <b>Screening Date</b>          | 29-Aug-2006     | <b>Docket No.</b>                         | 2006-1492-MWD-E | <b>PCW</b> |
| <b>Respondent</b>              | City of La Ward | <i>Policy Revision 2 (September 2002)</i> |                 |            |
| <b>Case ID No.</b>             | 30989           | <i>PCW Revision May 19, 2005</i>          |                 |            |
| <b>Reg. Ent. Reference No.</b> | RN102287562     |   |                 |            |
| <b>Media [Statute]</b>         | Water Quality   |   |                 |            |
| <b>Enf. Coordinator</b>        | Brent Hurta     |   |                 |            |

### 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> )   | 24                | 120%    |
|                               | Other written NOVs   | 1                 | 2%      |
| Orders                        | Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )  | 1                 | 20%     |
|                               | 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                         | <i>Please Enter Yes or No</i>  |                   |         |
|                               | 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) 142%**

#### >> 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** Enhancement due to 23 self-reported effluent violations, one prior NOV with same or similar violations, one prior NOV without same or similar violations, and one Agreed Order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 142%**

**Screening Date** 29-Aug-2006

**Docket No.** 2006-1492-MWD-E

**PCW**

**Respondent** City of La Ward

*Policy Revision 2 (September 2002)*

**Case ID No.** 30989

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN102287562

**Media [Statute]** Water Quality

**Enf. Coordinator** Brent Hurta

**Violation Number**

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

30 Tex. Admin. Code § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. WQ0013479001, Effluent Limitations and Monitoring Requirements No. 2, and Tex. Water Code § 26.121(a)

Failure to comply with the permitted effluent limits as shown in the attached violation table, as documented during the July 11, 2006 record review.

**Base Penalty**

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

OR

|           |                      | Harm                 |                      |                                     |
|-----------|----------------------|----------------------|----------------------|-------------------------------------|
| Release   |                      | Major                | Moderate             | Minor                               |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/>                |

**Percent**

>> **Programmatic Matrix**

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

**Percent**

Matrix Notes

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

Four quarterly events are recommended.

**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 La Ward  
 Case ID No. 30989  
 Reg. Ent. Reference No. RN102287562  
 Media [Statute] Water Quality  
 Violation No. 1

|                  |                       |
|------------------|-----------------------|
| Percent Interest | Years of Depreciation |
| 5.0              | 15                    |

| Item Description         | Item Cost<br><small>No commas or \$</small> | Date Required | Final Date  | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---|---------------|-------------|-----|----------------|---------------|-----------|
| <b>Delayed Costs</b>     |   |               |             |     |                |               |           |
| Equipment                |   |               |             | 0.0 | \$0            | \$0           | \$0       |
| Buildings                |   |               |             | 0.0 | \$0            | \$0           | \$0       |
| Other (as needed)        | \$5,000                                     | 01-Jun-2005   | 01-May-2007 | 1.9 | \$32           | \$638         | \$670     |
| Engineering/construction |   |               |             | 0.0 | \$0            | \$0           | \$0       |
| Land                     |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |   |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The date required is the date the noncompliances started and the final date is the expected compliance date.

| 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

| <b>Effluent Limit Violation Table</b> |   |
|---------------------------------------|---|
| Respondent                            | City of La Ward   |
| ID Number(s)                          | TPDES Permit No. WQ0013479001<br>Enforcement Case No. 30989 |
| Docket No.                            | 2006-1492-MWD-E   |
| Enf. Coordinator                      | Brent Hurta   |

**EFFLUENT PARAMETER**  
*Permit Limit*

| <i>Month/Year</i> | Cl Monthly Minimum Concentration | Cl Monthly Maximum Concentration |
|-------------------|----------------------------------|----------------------------------|
|                   | 1 mg/L                           | 4 mg/L                           |
| June 2005         | 0.50                             | c                                |
| July 2005         | 0.05                             | c                                |
| August 2005       | 0.67                             | 5.62                             |
| September 2005    | 0.50                             | c                                |
| October 2005      | 0.60                             | c                                |
| November 2005     | 0.70                             | c                                |
| December 2005     | 0.57                             | 4.37                             |
| January 2006      | c                                | 5.80                             |
| February 2006     | c                                | 5.90                             |
| March 2006        | 0.79                             | c                                |

| Term                    | Abbreviation |
|-------------------------|--------------|
| milligrams per liter    | mg/L         |
| total chlorine residual | Cl           |
| compliant               | c            |

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## Compliance History

|   |                                    |                      |                         |                     |
|---|------------------------------------|----------------------|-------------------------|---------------------|
| Customer/Respondent/Owner-Operator:   | CN600641708                        | City of La Ward      | Classification: AVERAGE | Rating: 1.94        |
| Regulated Entity:   | RN102287562                        | CITY OF LA WARD WWTP | Classification: AVERAGE | Site Rating: 1.94   |
| ID Number(s):   | WASTEWATER                         | PERMIT               |                         | WQ0013479001        |
|   | WASTEWATER                         | PERMIT               |                         | TPDES0105104        |
| Location:   | WASTEWATER                         | PERMIT               |                         | TX0105104           |
|   | WASTEWATER LICENSING               | LICENSE              |                         | WQ0013479001        |
| TCEQ Region:  | REGION 14 - CORPUS CHRISTI         |                      | Rating Date: 9/1/2005   | Repeat Violator: NO |
| Date Compliance History Prepared:   | August 29, 2006                    |                      |                         |                     |
| Agency Decision Requiring Compliance History:   | Enforcement                        |                      |                         |                     |
| Compliance Period:  | August 29, 2001 to August 29, 2006 |                      |                         |                     |
| TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History |                                    |                      |                         |                     |
| Name:   | <u>Brent Hurta</u>                 | Phone:               | <u>512-239-6589</u>     |                     |

### 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?   | <u>N/A</u> |
| 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: 03/07/2003      ADMINORDER 2002-0789-MWD-E  
 Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 30 TAC Chapter 305, SubChapter F 305.125(5)

TWC Chapter 26 26.121

Rqmt Prov: 1 PERMIT  
 Description: Failure to operate the Facility to maintain compliance with permitted effluent limits.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)[G]

Rqmt Prov: 7c PERMIT  
 Description: Failure to notify the TCEQ Regional Office in writing of effluent violations that deviated from the permitted effluent limitations by more than 40% for the months of January thru May 2001.

- 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  | 10/24/2005 | (479474) |
| 2  | 11/28/2005 | (479475) |
| 3  | 12/22/2005 | (479476) |
| 4  | 02/17/2004 | (364401) |
| 5  | 01/23/2006 | (479477) |
| 6  | 04/19/2004 | (364402) |
| 7  | 03/21/2003 | (322947) |
| 8  | 05/20/2004 | (364403) |
| 9  | 03/15/2004 | (322948) |
| 10 | 04/22/2003 | (322949) |
| 11 | 08/22/2005 | (446646) |
| 12 | 06/24/2004 | (364404) |
| 13 | 02/24/2005 | (388737) |
| 14 | 05/22/2003 | (322950) |
| 15 | 09/23/2005 | (446647) |
| 16 | 07/21/2004 | (364405) |
| 17 | 06/23/2003 | (322951) |

|    |            |                   |
|----|------------|-------------------|
| 18 | 03/28/2005 | (388738)          |
| 19 | 07/21/2003 | (322952)          |
| 20 | 08/23/2004 | (364406)          |
| 21 | 08/22/2003 | (322953)          |
| 22 | 09/23/2004 | (364407)          |
| 23 | 11/24/2004 | (388739)          |
| 24 | 09/22/2003 | (322954)          |
| 25 | 10/22/2004 | (364408)          |
| 26 | 12/22/2004 | (388740)          |
| 27 | 12/22/2004 | (388741)          |
| 28 | 10/22/2003 | (322955)          |
| 29 | 01/24/2005 | (388742)          |
| 30 | 11/24/2003 | (322956)          |
| 31 | 12/22/2003 | (322957)          |
| 32 | 01/22/2004 | (322958)          |
| 33 | 01/16/2003 | (223889)          |
| 34 | 01/24/2002 | (223888)          |
| 35 | 12/13/2002 | (223887)          |
| 36 | 11/22/2002 | (223886)          |
| 37 | 11/26/2001 | (223885)          |
| 38 | 10/17/2002 | (223884)          |
| 39 | 04/21/2005 | (430603)          |
| 40 | 10/19/2001 | (223883)          |
| 41 | 04/24/2003 | (34378)           |
| 42 | 09/19/2002 | (223882)          |
| 43 | 05/20/2005 | (430604)          |
| 44 | 09/24/2001 | (223881)          |
| 45 | 06/21/2005 | (430605)          |
| 46 | 08/23/2002 | (223880)          |
| 47 | 07/21/2005 | (430606)          |
| 48 | 07/22/2002 | (223878)          |
| 49 | 06/21/2002 | (223877)          |
| 50 | 05/23/2002 | (223876)          |
| 51 | 04/22/2002 | (223875)          |
| 52 | 01/23/2002 | (IE0017900001001) |
| 53 | 03/25/2002 | (223874)          |
| 54 | 02/20/2003 | (223873)          |
| 55 | 02/22/2002 | (223872)          |
| 56 | 08/21/2006 | (486341)          |
| 57 | 04/24/2006 | (505207)          |
| 58 | 05/24/2006 | (505208)          |
| 59 | 06/21/2006 | (505209)          |
| 60 | 02/23/2006 | (479472)          |
| 61 | 03/22/2006 | (479473)          |
| 62 | 04/28/2006 | (455208)          |

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

|              |  |          |                          |
|--------------|--|----------|--------------------------|
| Date:        | 02/28/2006   | (479473) |                          |
| 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   | (479474) |                          |
| 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:        | 10/31/2005   | (479475) |                          |
| Self Report? | YES  |          | Classification: Moderate |
| Citation:    | 30 TAC Chapter 305, SubChapter F 305.125(1)                |          |                          |
|              | TWC Chapter 26 26.121(a)[G]                                |          |                          |
| Description: | Failure to meet the limit for one or more permit parameter |          |                          |

Date: 11/30/2005 (479476)  
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 (479477)  
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 (388737)  
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 (364405)  
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 (388738)  
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 (322954)  
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 (364408)  
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: 10/31/2001 (223885)  
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 (223883)  
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 (430603)  
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: 04/28/2006 (455208)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA  
Description: Failure to provide a minimum chlorine residual of at least 1.0 milligrams per liter.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Rqmt Prov: PERMIT IA  
Description: Failure to maintain chlorine residual within permit compliance limits.

Date: 05/31/2002 (223877)

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 (430606)

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 (446646)

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: 08/30/2005 (446647)

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 (223876)

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 (223875)

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: 03/31/2006 (505207)

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 (505208)

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 (505209)

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
Rqmt Prov: PERMIT IA  
Description: Failure to report the appropriate sampling frequency for pH, dissolved oxygen, and chlorine residual on the discharge monitoring reports.  
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)  
Rqmt Prov: PERMIT IA  
Description: Failure to use the appropriate reagent when analyzing the chlorine residual.  
Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 319, SubChapter A 319.6  
30 TAC Chapter 319, SubChapter A 319.7(a)[G]  
30 TAC Chapter 319, SubChapter A 319.7(c)  
Description: Failure to use standards or duplicates for quality assurance in the analysis of chlorine residual.  
Date: 01/31/2006 (479472)

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 LA WARD  
RN102287562

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1492-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 La Ward (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 plant located on the west side of Sam Houston Avenue, approximately 200 feet northeast of the intersection of Palacios Street and Rio Grande Street in La Ward, Jackson 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 23, 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 Six Hundred Eighty Dollars (\$8,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Six Thousand Nine Hundred Forty-Four Dollars (\$6,944) of the administrative penalty and One Thousand Seven Hundred Thirty-Six Dollars (\$1,736) 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 failed to comply with the permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0013479001, Effluent Limitations and Monitoring Requirements No. 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on July 11, 2006 and shown in the following table:

| <i>Month/Year</i>     | Cl Monthly Minimum Concentration | Cl Monthly Maximum Concentration |
|-----------------------|----------------------------------|----------------------------------|
|                       | 1 mg/L                           | 4 mg/L                           |
| <b>June 2005</b>      | <b>0.50</b>                      | <b>c</b>                         |
| <b>July 2005</b>      | <b>0.05</b>                      | <b>c</b>                         |
| <b>August 2005</b>    | <b>0.67</b>                      | <b>5.62</b>                      |
| <b>September 2005</b> | <b>0.50</b>                      | <b>c</b>                         |
| <b>October 2005</b>   | <b>0.60</b>                      | <b>c</b>                         |
| <b>November 2005</b>  | <b>0.70</b>                      | <b>c</b>                         |
| <b>December 2005</b>  | <b>0.57</b>                      | <b>4.37</b>                      |
| <b>January 2006</b>   | <b>c</b>                         | <b>5.80</b>                      |
| <b>February 2006</b>  | <b>c</b>                         | <b>5.90</b>                      |
| <b>March 2006</b>     | <b>0.79</b>                      | <b>c</b>                         |

| Term                    | Abbreviation |
|-------------------------|--------------|
| milligrams per liter    | mg/L         |
| total chlorine residual | Cl           |
| compliant               | c            |



### 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 La Ward, Docket No. 2006-1492-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, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013479001. 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 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  
Corpus Christi Regional Office  
Texas Commission on Environmental Quality  
6300 Ocean Drive, NRC Building, Unit 5839, Suite 1200  
Corpus Christi, Texas 78412-5839

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.
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.



City of La Ward  
DOCKET NO. 2006-1492-MWD-E  
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### SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



3/3/07  
Date

For the Executive Director

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

12/11/06  
Date

JOEL B. HUNT  
Name (Printed or typed)  
Authorized Representative of  
City of La Ward

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.

