

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**  
**DOCKET NUMBER: 2005-1586-MWD-E TCEQ ID NO: RN103137998 ENF. ID NO: 26853**  
**RESPONDENT NAME: CITY OF ANSON**

**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 | <input type="checkbox"/> DRY CLEANER REGISTRATION       |  |

**SITE WHERE VIOLATION(S) OCCURRED:** 1202 Commercial Avenue, Anson, Jones County

**TYPE OF OPERATION:** Wastewater treatment facility

**SMALL BUSINESS:**  Yes  No

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

**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 expires on February 26, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney:** Mr. Mark Curnutt, Litigation Division, MC 175 (512) 239-0624, Ms. Jennifer Cook, Litigation Division, MC 175 (512) 239-1873  
**TCEQ Enforcement Coordinator:** Mr. Harvey Wilson, Enforcement Division, Section II, MC 219 (512) 239-0321  
**TCEQ Regional Contact:** Mr. Charles Keith, Abilene Regional Office, MC R-3 (325) 698-9674  
**Respondent:** The Honorable Tom Isbell, Mayor of City of Anson, 1202 Commercial Avenue, Anson, Jones County, Texas, 79501  
**Respondent's Attorney:** Not represented by counsel.

TEXAS  
 COMMISSION  
 ON ENVIRONMENTAL  
 QUALITY  
 2007 APR 17 2 06:21  
 CHIEF CLERK'S OFFICE

**RESPONDENT'S NAME: CITY OF ANSON**  
**DOCKET NO.: 2005-1586-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 checked="" type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date(s) of Investigation(s) Relating to this Case: August 4, 2005</p> <p>Date(s) of NOV(s)/NOE(s) Relating to this Case: June 22, 2004 (NOV), August 10, 2005 (NOE)</p> <p><b>Background Facts:</b> The EDPRP was filed June 7, 2006. After discussion of settlement, the Respondent submitted a signed Agreed Order and the initial payment on December 11, 2006.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p><b>MWD:</b></p> <p>1) Failed to obtain the necessary authorization to commence construction of additional wastewater treatment and/or collection facilities when the daily average flow reached 90 percent of the daily average flow limit [30 TEX. ADMIN. CODE § 305.126(a) and Water Quality Permit No. 10500-002, Section III, Part VII, Standard Provision Number 7].</p> <p>2) Failed to test sludge at least once during the term of the permit in accordance with the method specified in 40 Code of Federal Regulations ("C.F.R.") § 261, Appendix II [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision D].</p> <p>3) Failed to limit the 30-day average effluent flow to 0.275 million gallons per day ("mgd") from the treatment system [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Effluent Limitations and Monitoring Requirements].</p> <p>4) Failed to maintain holding ponds that conform to the TCEQ "Design Criteria for Sewerage Systems" and failing to maintain a minimum of two feet of free board around the stabilization ponds [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 7].</p> | <p><b>Total Assessed:</b> \$7,875</p> <p><b>Total Deferred:</b> \$0</p> <p><input type="checkbox"/> Expedited Settlement</p> <p><input type="checkbox"/> Financial Inability to Pay</p> <p><b>Total Paid/Due to General Revenue:</b> \$105/\$7,770<br/> The Respondent has paid \$105 of the penalty. The remaining balance of \$7,770 will be paid in 15 monthly payments of \$518.</p> <p><b>Site Compliance History Classification:</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification:</b><br/> <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> | <p><b>Ordering Provision(s)</b></p> <p>1) Immediately the City shall:</p> <p>a) begin utilizing irrigation practices that prevent ponding of effluent; or contamination of ground and surface waters, as required by Water Quality Permit No. 10500-002; and</p> <p>b) submit an annual sludge report to the TCEQ Regional Office and to the Water Quality Management Information Systems Team of the Enforcement Division as required by Water Quality Permit No. 10500-002.</p> <p>2) Within 30 days, the City shall:</p> <p>a) begin maintaining holding ponds that conform to the TCEQ "Design Criteria for Sewerage Systems" and maintain a minimum of two feet of free board, as required by Water Quality Permit No. 10500-002; and</p> <p>b) obtain and analyze representative soil samples from the root zones of the disposal site, as required by Water Quality Permit No. 10500-002.</p> <p>3) Within 60 days, the City shall:</p> <p>a) test sludge once during the term of the permit in accordance with the method specified in 40 C.F.R., § 261, Appendix II, as required by Water Quality Permit No. 10500-002; and</p> |

**RESPONDENT'S NAME: CITY OF ANSON  
DOCKET NO.: 2005-1586-MWD-E**

**VIOLATION SUMMARY CHART:**

| VIOLATION INFORMATION   | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED   |
|---|------------------------|---|
| <p>5) Failed to obtain and analyze representative soil samples from the root zones of the disposal site [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 8].</p> <p>6) Failed to utilize irrigation practices that prevent ponding of effluent or contamination of ground and surface waters [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 4].</p> <p>7) Failed to submit an annual sludge report by September 1, 2003 to the TCEQ [30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision G].</p> |                        | <p>b) submit a request for a waiver from 30 Tex. Admin. Code § 305.126(a) or submit plans for the repair and/or expansion of the treatment facility to restore flows to less than 75% of permitted flow as required by Water Quality Permit No. 10500-002</p> <p>4) Within 105 days, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. 10500-002 and these Ordering Provisions. 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.</p> |



**Penalty Calculation Worksheet (PCW)**  
 Policy Revision 2 (September 2002) PCW Revision May 19, 2005

|              |                 |             |                  |             |                |  |
|--------------|-----------------|-------------|------------------|-------------|----------------|--|
| <b>DATES</b> | <b>Assigned</b> | 08-Aug-2005 | <b>Screening</b> | 31-Aug-2005 | <b>EPA Due</b> |  |
|              | <b>PCW</b>      | 10-Jan-2006 |                  |             |                |  |

|  |               |
|--|---------------|
| <b>RESPONDENT/FACILITY INFORMATION</b> |               |
| <b>Respondent</b>                      | City of Anson |
| <b>Reg. Ent. Ref. No.</b>              | RN103137998   |
| <b>Facility/Site Region</b>            | 3-Abilene     |
| <b>Major/Minor Source</b>              | Minor Source  |

|  |                 |                          |                    |
|--|-----------------|--------------------------|--------------------|
| <b>CASE INFORMATION</b>                |                 |                          |                    |
| <b>Enf./Case ID No.</b>                | 26853           | <b>No. of Violations</b> | 7                  |
| <b>Docket No.</b>                      | 2005-1586-MWD-E | <b>Order Type</b>        | 1660               |
| <b>Media Program(s)</b>                | Water Quality   | <b>Enf. Coordinator</b>  | Harvey Wilson      |
| <b>Multi-Media</b>                     |                 | <b>EC's Team</b>         | Enforcement Team 7 |
| <b>Admin. Penalty \$ Limit Minimum</b> | \$0             | <b>Maximum</b>           | \$10,000           |

**Penalty Calculation Section**

**TOTAL BASE PENALTY (Sum of violation base penalties)** **Subtotal 1**

**ADJUSTMENTS (+/-) TO SUBTOTAL 1**

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

**Compliance History** **Subtotals 2, 3, & 7**

**Notes**

**Culpability**  **Subtotal 4**

**Notes**

**Good Faith Effort to Comply** **Subtotal 5**

|               |                      |                                     |
|---------------|----------------------|-------------------------------------|
|               | <b>Before NOV</b>    | <b>NOV to EDRP/Settlement Offer</b> |
| Extraordinary | <input type="text"/> | <input type="text"/>                |
| Ordinary      | <input type="text"/> | <input type="text"/>                |
| N/A           | X                    | <i>(mark with a small x)</i>        |

**Notes**

**Economic Benefit** **Subtotal 6**

|                                   |          |  |  |
|-----------------------------------|----------|--|--|
| <b>Total EB Amounts</b>           | \$1,796  | <b>0% Enhancement*</b>                           |  |
| <b>Approx. Cost of Compliance</b> | \$26,600 | <small>*Capped at the Total EB \$ Amount</small> |  |

**SUM OF SUBTOTALS 1-7** **Final Subtotal**

**OTHER FACTORS AS JUSTICE MAY REQUIRE** **Adjustment**

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

**Notes**

**Final Penalty Amount**

**STATUTORY LIMIT ADJUSTMENT** **Final Assessed Penalty**

**DEFERRAL** **Adjustment**

Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

**Notes**

**PAYABLE PENALTY**

**Screening Date** 31-Aug-2005  
**Respondent** City of Anson  
**Case ID No.** 26853  
**Reg. Ent. Reference No.** RN103137998  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Harvey Wilson

**Docket No.** 2005-1586-MWD-E**PCW**

Policy Revision 2 (September 2002)

PCW Revision May 19, 2005

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

| <b>Component</b>              | <b>Number of...</b>  | <i>Enter Number Here</i> | <b>Adjust.</b> |
|-------------------------------|--|--------------------------|----------------|
| NOVs                          | Written NOVs with same or similar violations as those in the current enforcement action ( <i>number of NOVs meeting criteria</i> )   | 1                        | 5%             |
|                               | Other written NOVs   | 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 | 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 (number of events)  | 0                        | 0%             |
| Audits                        | Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <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%             |
| <i>Please Enter Yes or No</i> |  |                          |                |
| 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)** 5%>> **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 had one prior NOV for the same violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 5%

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1586-MWD-E

**PCW**

**Respondent** City of Anson

*Policy Revision 2 (September 2002)*

**Case ID No.** 26853

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103137998

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

**Violation Number**

**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**

**Violation Description**

**Base Penalty**

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

|         |           | Harm                 |                      |                      |                              |
|---------|-----------|----------------------|----------------------|----------------------|------------------------------|
| Release |           | Major                | Moderate             | Minor                |                              |
| OR      | Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/> | Percent <input type="text"/> |
|         | 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"/> | Percent <input type="text" value="10%"/> |

**Matrix Notes**

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

**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 Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 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)        |   |               |             | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction | \$25,000                                    | 04-Aug-2005   | 31-Jul-2006 | 1.0 | \$82           | \$1,648       | \$1,731   |
| Land                     |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |   |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to obtain the necessary authorization to commence construction of additional wastewater treatment and/or collection facilities and construct facilities, calculated from the date of the inspection (08/04/2005) to the estimated date of compliance (07/31/2006).

| Item Description              | ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs) |  |  |     |     |     |     |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal                      |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Personnel                     |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment            |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2]       |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3]    |  |  |  | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed)             |  |  |  | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

|  |  |            |
|--|--|------------|
| <b>Screening Date</b> 31-Aug-2005                      | <b>Docket No.</b> 2005-1586-MWD-E  | <b>PCW</b> |
| <b>Respondent</b> City of Anson                        | <i>Policy Revision 2 (September 2002)</i>  |            |
| <b>Case ID No.</b> 26853                               | <i>PCW Revision May 19, 2005</i>   |            |
| <b>Reg. Ent. Reference No.</b> RN103137998             |  |            |
| <b>Media [Statute]</b> Water Quality                   |  |            |
| <b>Enf. Coordinator</b> Harvey Wilson                  |  |            |
| <b>Violation Number</b> <input type="text" value="2"/> |  |            |
| <b>Primary Rule Cite(s)</b>                            | Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision D, and 30 Tex. Admin. Code § 305.125(1)  |            |
| <b>Secondary Rule Cite(s)</b>                          |  |            |
| <b>Violation Description</b>                           | Failed to test sludge once during the term of the permit in accordance with the method specified in 40 CFR Part 261, Appendix II. Specifically, the investigator documented that the facility failed to test the sludge disposed of at the Abilene BFI Landfill, as documented during a record review conducted on 08/04/2005. |            |

**Base Penalty**

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

|    |                |             |          |       |  |
|----|----------------|-------------|----------|-------|--|
|    |                | <b>Harm</b> |          |       |  |
|    | <b>Release</b> | Major       | Moderate | Minor |  |
| OR | Actual         |             |          |       | <b>Percent</b> <input type="text" value="5%"/> |
|    | Potential      |             |          | x     |  |

>> **Programmatic Matrix**

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

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

|  |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
|--|--|--------------|--|----------------|--|------------------|--|-------------------|--|---------------|--|---------------------|---|
| <i>mark only one<br/>use a small x</i> | <table border="1" style="width: 100%; text-align: center;"> <tr><td style="padding: 2px;"><i>daily</i></td><td style="width: 50px; height: 15px;"></td></tr> <tr><td style="padding: 2px;"><i>monthly</i></td><td style="width: 50px; height: 15px;"></td></tr> <tr><td style="padding: 2px;"><i>quarterly</i></td><td style="width: 50px; height: 15px;"></td></tr> <tr><td style="padding: 2px;"><i>semiannual</i></td><td style="width: 50px; height: 15px;"></td></tr> <tr><td style="padding: 2px;"><i>annual</i></td><td style="width: 50px; height: 15px;"></td></tr> <tr><td style="padding: 2px;"><i>single event</i></td><td style="width: 50px; height: 15px; text-align: center;">x</td></tr> </table> | <i>daily</i> |  | <i>monthly</i> |  | <i>quarterly</i> |  | <i>semiannual</i> |  | <i>annual</i> |  | <i>single event</i> | x |
| <i>daily</i>                           |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
| <i>monthly</i>                         |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
| <i>quarterly</i>                       |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
| <i>semiannual</i>                      |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
| <i>annual</i>                          |  |              |  |                |  |                  |  |                   |  |               |  |                     |   |
| <i>single event</i>                    | x  |              |  |                |  |                  |  |                   |  |               |  |                     |   |

**Violation Base Penalty**

One single event based on the 08/04/2005 record review.

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

Estimated EB Amount

**Statutory Limit Test**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent City of Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 2

|                  |                       |
|------------------|-----------------------|
| 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)        |   |               |             | 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        | \$1,000                                     | 04-Aug-2005   | 31-May-2006 | 0.8 | \$41           | n/a           | \$41      |
| Remediation/Disposal     |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |   |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |   |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to take sewage sludge samples once during the term of permit, calculated from the date of the inspection (08/04/2005) to the estimated date of compliance (05/31/2006).

| Item Description   | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>   |           |               |            |     |                |               |           |
| 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 **\$1,000** TOTAL **\$41**

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1586-MWD-E

**PCW**

**Respondent** City of Anson

*Policy Revision 2 (September 2002)*

**Case ID No.** 26853

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103137998

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

**Violation Number**

**Primary Rule Cite(s)**  
**Secondary Rule Cite(s)**

Water Quality Permit No. 10500-002, Effluent Limitations and Monitoring Requirements and 30 Tex. Admin. Code § 305.125(1)

**Violation Description**

Failed to limit the 30-day average to 0.275 MGD from the treatment system. Specifically, effluent records indicated the following 30-day average flows: 0.279 MGD, May 2003; 0.276 MGD, June 2003; 0.286 MGD, August 2003; 0.278 MGD, September 2003; 0.279 MGD, October 2003, as documented during a record review conducted on 08/04/2005.

**Base Penalty**

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

| Release   | Harm                 |                      |                                     | Percent                         |
|-----------|----------------------|----------------------|-------------------------------------|---------------------------------|
|           | Major                | Moderate             | Minor                               |                                 |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/>                | <input type="text" value="5%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |                                 |

>> **Programmatic Matrix**

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

**Matrix Notes**

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

Five single events based on the 08/04/2005 record review.

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent City of Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 3

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

| Item Description         | Item Cost | 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)        |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |            | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: See economic benefit for Violation No. 1.

| Item Description   | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>   |     |                |               |           |
| 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

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1586-MWD-E

**PCW**

**Respondent** City of Anson

*Policy Revision 2 (September 2002)*

**Case ID No.** 26853

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103137998

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

**Violation Number**

**Primary Rule Cite(s)**

Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision No. 7, and 30 Tex. Admin. Code § 305.125(1)

**Secondary Rule Cite(s)**

**Violation Description**

Failed to maintain holding ponds that conform to the TCEQ "Design Criteria for Sewerage Systems" and maintain a minimum of two feet of free board. Specifically, during the investigation the investigator documented that the stabilization ponds did not have the required two feet of free board.

**Base Penalty**

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

| Release   | Harm                 |                      |                                     | Percent                         |
|-----------|----------------------|----------------------|-------------------------------------|---------------------------------|
|           | Major                | Moderate             | Minor                               |                                 |
| Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/>                | <input type="text" value="5%"/> |
| Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |                                 |

>> **Programmatic Matrix**

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

Matrix Notes

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

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

One single event based on the 08/04/2005 record review.

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

**Statutory Limit Test**

Estimated EB Amount

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent City of Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 4

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

| Item Description         | Item Cost | 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)        |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |            | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs See economic benefit for Violation No. 1.

| <b>Avoided Costs</b>          |  | 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>Screening Date</b> 31-Aug-2005                      | <b>Docket No.</b> 2005-1586-MWD-E  | <b>PCW</b>                                |
| <b>Respondent</b> City of Anson                        |  | <i>Policy Revision 2 (September 2002)</i> |
| <b>Case ID No.</b> 26853                               |  | <i>PCW Revision May 19, 2005</i>          |
| <b>Reg. Ent. Reference No.</b> RN103137998             |  |   |
| <b>Media [Statute]</b> Water Quality                   |  |   |
| <b>Enf. Coordinator</b> Harvey Wilson                  |  |   |
| <b>Violation Number</b> <input type="text" value="5"/> |  |   |
| <b>Primary Rule Cite(s)</b>                            | Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision No. 8, and 30 Tex. Admin. Code § 305.125(1)  |   |
| <b>Secondary Rule Cite(s)</b>                          |  |   |
| <b>Violation Description</b>                           | Failed to obtain representative soil samples from the root zones of the disposal site and analyze the samples. Specifically, the City had not taken or analyzed any samples from 2002 until 2005, when the permit requirement was changed. |   |
|  | <b>Base Penalty</b>  | \$10,000                                  |

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

|    |                |             |          |       |  |
|----|----------------|-------------|----------|-------|--|
|    |                | <b>Harm</b> |          |       |  |
|    | <b>Release</b> | Major       | Moderate | Minor |  |
| OR | Actual         |             |          |       | <b>Percent</b> <input type="text" value="5%"/> |
|    | Potential      |             |          | x     |  |

>> **Programmatic Matrix**

|              |  |               |       |          |       |                                     |
|--------------|--|---------------|-------|----------|-------|-------------------------------------|
|              |  | Falsification | Major | Moderate | Minor |                                     |
|              |  |               |       |          |       | <b>Percent</b> <input type="text"/> |
| Matrix Notes | Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. |               |       |          |       |                                     |

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**Violation Base Penalty**

Three annual events are recommended based on the 08/04/2005 record review.

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

**Statutory Limit Test**

Estimated EB Amount

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent City of Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 5

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

| Item Description         | Item Cost | 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)        |           |               |             | 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        | \$500     | 04-Aug-2005   | 31-May-2006 | 0.8 | \$21           | n/a           | \$21      |
| Remediation/Disposal     |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |             | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |             | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: Estimated cost to take annual soil samples, calculated from the date of the inspection (08/04/2005) to the estimated date of compliance (05/31/2006).

| Item Description   | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|
| <b>Avoided Costs</b>   |           |               |            |     |                |               |           |
| 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 **\$500** TOTAL **\$21**

**Screening Date** 31-Aug-2005

**Docket No.** 2005-1586-MWD-E

**PCW**

**Respondent** City of Anson

*Policy Revision 2 (September 2002)*

**Case ID No.** 26853

*PCW Revision May 19, 2005*

**Reg. Ent. Reference No.** RN103137998

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

**Violation Number**

Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision No. 4, and 30 Tex. Admin. Code § 305.125(1)

**Primary Rule Cite(s)**

**Secondary Rule Cite(s)**

**Violation Description**

Failed to utilize irrigation practices that prevent ponding of effluent or contamination of ground and surface waters. Specifically, the investigator photographed ponding of effluent water in the irrigation field on the north side of the holding pond.

**Base Penalty**

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

|         |           | Harm                 |                      |                                     |  |
|---------|-----------|----------------------|----------------------|-------------------------------------|--|
| Release |           | Major                | Moderate             | Minor                               |  |
| OR      | Actual    | <input type="text"/> | <input type="text"/> | <input type="text"/>                | <b>Percent</b> <input type="text" value="5%"/> |
|         | Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> |  |

>> **Programmatic Matrix**

|              |  | Falsification        | Major                | Moderate             | Minor                |                                     |
|--------------|--|----------------------|----------------------|----------------------|----------------------|-------------------------------------|
|              |  | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <b>Percent</b> <input type="text"/> |
| Matrix Notes | Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation. |                      |                      |                      |                      |                                     |

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

**Number of Violation Events**

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

**Violation Base Penalty**

One single event based on the 08/04/2005 record review.

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

**Statutory Limit Test**

**Estimated EB Amount**

**Violation Final Penalty Total**

**This violation Final Assessed Penalty (adjusted for limits)**

### Economic Benefit Worksheet

Respondent City of Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 6

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

| Item Description         | Item Cost | 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)        |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Engineering/construction |           |               |            | 0.0 | \$0            | \$0           | \$0       |
| Land                     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Record Keeping System    |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Training/Sampling        |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Remediation/Disposal     |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Permit Costs             |           |               |            | 0.0 | \$0            | n/a           | \$0       |
| Other (as needed)        |           |               |            | 0.0 | \$0            | n/a           | \$0       |

Notes for DELAYED costs: See economic benefit for Violation No. 1.

| 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>Screening Date</b>          | 31-Aug-2005  | <b>Docket No.</b> | 2005-1586-MWD-E | <b>PCW</b>                                |
| <b>Respondent</b>              | City of Anson  |                   |                 | <i>Policy Revision 2 (September 2002)</i> |
| <b>Case ID No.</b>             | 26853  |                   |                 | <i>PCW Revision May 19, 2005</i>          |
| <b>Reg. Ent. Reference No.</b> | RN103137998  |                   |                 |   |
| <b>Media [Statute]</b>         | Water Quality  |                   |                 |   |
| <b>Enf. Coordinator</b>        | Harvey Wilson  |                   |                 |   |
| <b>Violation Number</b>        | <input type="text" value="7"/>   |                   |                 |   |
| <b>Primary Rule Cite(s)</b>    | <input type="text" value="Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision G, and 30 Tex. Admin. Code § 305.125(1)"/> |                   |                 |   |
| <b>Secondary Rule Cite(s)</b>  | <input type="text"/>   |                   |                 |   |
| <b>Violation Description</b>   | <input type="text" value="Failed to submit an annual sludge report by September 1, 2003 to Texas Commission on Environmental Quality for the period September 1, 2002 – August 31, 2003."/>                              |                   |                 |   |

**Base Penalty**

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

|           |                |                      |                      |                      |                                     |
|-----------|----------------|----------------------|----------------------|----------------------|-------------------------------------|
|           |                | <b>Harm</b>          |                      |                      |                                     |
|           | <b>Release</b> | Major                | Moderate             | Minor                |                                     |
| <b>OR</b> | 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="checkbox"/> | <input type="checkbox"/> | <b>Percent</b> <input type="text" value="10%"/> |
| <b>Matrix Notes</b> | <input type="text" value="100% of the rule requirement was not met."/> |                                     |                          |                          |   |

**Adjustment**

**Base Penalty Subtotal**

**Violation Events**

Number of Violation Events

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

**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 Anson  
 Case ID No. 26853  
 Reg. Ent. Reference No. RN103137998  
 Media [Statute] Water Quality  
 Violation No. 7

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

| Item Description         | Item Cost | 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)        |           |               |             | 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)        | \$100     | 04-Aug-2005   | 31-Mar-2006 | 0.7 | \$3            | n/a           | \$3       |

Notes for DELAYED costs

Estimated cost for preparation and submittal of an annual sludge report, calculated from the date of the inspection (08/04/2005) to the estimated date of compliance (03/31/2006).

**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**

# Compliance History

Customer/Respondent/Owner-Operator: CN600342463 City of Anson Classification: AVERAGE Rating: 6.870

Regulated Entity: RN103137998 CITY OF ANSON Classification: AVERAGE Site Rating: 4.50

ID Number(s): WASTEWATER LICENSING LICENSE WASTEWATER PERMIT WQ0010500002 WQ0010500002

Location: 1202 COMMERCIAL AVE, ANSON, TX, 79501 Rating Date: 9/1/04 Repeat Violator: NO

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: August 24, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 24, 2000 to August 24, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Cari Bing Phone: (512) 239-1445

## Site Compliance History Components

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

### Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 11/18/2004 (341270)
- 2 08/29/2001 (281441)
- 3 07/08/2004 (276698)
- 4 08/04/2005 (403663)

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

Date: 06/22/2004 (276698)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: PERMIT IA

Description: Failure to initiate engineering and financial planning for expansion and/or upgrading after reaching 90 percent of permitted average daily flow for three consecutive months, the permittee shall obtain necessary authorization from the TCEQ to commence construction of the necessary additional treatment and/or collection

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to test sludge once during the term of this permit in accordance with the method specified in 40 CFR Part 261, Appendix II.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to limit the 30-day Average to 0.275 MGD from the treatment system.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)  
 Description: Failure to meet the holding time requirements specified in the Code of Federal Regulations Part 136 pursuant to the Federal Water Pollution Control Act.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to maintain stabilization ponds that conform to the TCEQ "Design Criteria for Sewage Systems" and maintain a minimum two feet of free board.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to obtain representative soil samples from the root zones of the disposal site and analyze the samples as outlined in the permit provisions.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to utilize irrigation practices that prevent ponding of effluent or contamination of ground and surface waters.

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to submit an annual sludge report (September 02- August 03) by September 1st of 2003 to the TCEQ Regional Office and to the Water Quality Management Information Systems Team (MC 224) of the Enforcement Division.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to maintain a long term contract with the owner of the land application site which is authorized for land application for treated effluent.

Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to calibrate the in-line meter for the influent and the irrigation field.

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 ANSON  
RN103137998**

§ **BEFORE THE**  
§  
§ **TEXAS COMMISSION ON**  
§  
§ **ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2005-1586-MWD-E**

### **I. JURISDICTION AND STIPULATIONS**

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

1. The City owns and operates a wastewater treatment facility at 1202 Commercial Avenue in Anson, Jones County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
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 15, 2005.
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 seven thousand eight hundred seventy-five dollars (\$7,875.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid one hundred five dollars (\$105.00) of the

administrative penalty. The remaining amount of seven thousand seven hundred seventy dollars (\$7,770.00) shall be payable fifteen monthly payments of five hundred eighteen dollars (\$518.00) each. The first monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at his option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the acceleration of any remaining balance constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order and the Executive Director may demand payment of any deferred penalty amount.

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

The City is alleged to have violated:

1. 30 TEX. ADMIN. CODE § 305.126(a) and Water Quality Permit No. 10500-002, Section III, Part VII, Standard Provision Number 7, by failing to obtain the necessary authorization to commence construction of additional wastewater treatment and/or collection facilities when the daily average flow reached 90 percent of the daily average flow limit as documented by a record review conducted on August 4, 2005.

2. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision D, by failing to test sludge at least once during the term of the permit in accordance with the method specified in 40 Code of Federal Regulations ("C.F.R.") § 261, Appendix II as documented by a record review conducted on August 4, 2005.
3. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Effluent Limitations and Monitoring Requirements, by failing to limit the 30-day average effluent flow to 0.275 million gallons per day ("mgd") from the treatment system as documented by a record review conducted on August 4, 2005.
4. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 7, by failing to maintain holding ponds that conform to the TCEQ "Design Criteria for Sewerage Systems" and failing to maintain a minimum of two feet of free board around the stabilization ponds as documented by a record review conducted on August 4, 2005.
5. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 8, by failing to obtain and analyze representative soil samples from the root zones of the disposal site as documented by a record review conducted on August 4, 2005.
6. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Part VI, Special Provision Number 4, by failing to utilize irrigation practices that prevent ponding of effluent or contamination of ground and surface waters as documented by a record review conducted on August 4, 2005.
7. 30 TEX. ADMIN. CODE § 305.125(1) and Water Quality Permit No. 10500-002, Section III, Requirements Applying to All Sewage Sludge Disposed in a Municipal Solid Waste Landfill, Provision G, by failing to submit an annual sludge report by September 1, 2003 to the TCEQ as documented by a record review conducted on August 4, 2005.

### III. DENIALS

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

### IV. ORDER

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 considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: City of Anson, Docket No. 2005-1586-MWD" 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. Immediately after the effective date of this Agreed Order, the City shall:
    - i. Begin utilizing irrigation practices that prevent ponding of effluent or contamination of ground and surface waters, as required by Water Quality Permit No. 10500-002; and
    - ii. Submit an annual sludge report to the TCEQ Regional Office and to the Water Quality Management Information Systems Team of the Enforcement Division, as required by Water Quality Permit No. 10500-002.
  - b. Within 30 days after the effective date of this Agreed Order, the City shall:
    - i. Begin maintaining holding ponds that conform to the TCEQ "Design Criteria for Sewerage Systems" and maintain a minimum of two feet of free board, as required by Water Quality Permit No. 10500-002; and
    - ii. Obtain and analyze representative soil samples from the root zones of the disposal site, as required by Water Quality Permit No. 10500-002.
  - c. Within 60 days after the effective date of this Agreed Order, the City shall:
    - i. Test sludge once during the term of the permit in accordance with the method specified in 40 C.F.R., § 261, Appendix II, as required by Water Quality Permit No. 10500-002; and

- ii. Submit a request for a waiver from 30 Tex. Admin. Code § 305.126(a) or submit plans for the repair and/or expansion of the treatment facility to restore flows to less than 75% of permitted flow as required by Water Quality Permit No. 10500-002.
  
- d. Within 105 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. 10500-002 and Ordering Provisions 2.a.i. through 2.c.ii. 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:

Charles Keith  
Water Section Manager  
Abilene Regional Office  
Texas Commission on Environmental Quality  
1977 Industrial Blvd.  
Abilene, Texas 79602

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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order 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

2/19/07

\_\_\_\_\_  
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that 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 compliance documents may result in criminal prosecution.



\_\_\_\_\_  
Signature

12-11-06

\_\_\_\_\_  
Date

Tom Isbell

\_\_\_\_\_  
Name (Printed or typed)

\_\_\_\_\_  
Authorized representative of  
City of Anson

Mayor

\_\_\_\_\_  
Title