

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2006-1878-MWD-E **TCEQ ID:** RN101919025 **CASE NO.:** 31569
RESPONDENT NAME: City of Coolidge

ORDER TYPE:

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

CASE TYPE:

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

SITE WHERE VIOLATION(S) OCCURRED: City of Coolidge Wastewater Treatment Facility, 4,500 feet northeast of the intersection of Farm-to-Market Roads 73 and 1951, Limestone County

TYPE OF OPERATION: Wastewater treatment facility

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 March 26, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None
TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Section I, MC 169, (512) 239-4490; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896
TCEQ Field Investigator: Mr. Matthew Vaughn, Waco Regional Office, MC R-09, (254) 751-0335
Respondent: The Honorable Bobby Jacobs, Mayor, City of Coolidge, P.O. Box 457, Coolidge, Texas 76635
Respondent's Attorney: Not represented by counsel on this enforcement matter

RESPONDENT'S NAME: City of Coolidge
 DOCKET NO.: 2006-1878-MWD-E

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 8, 2006</p> <p>Date of NOE Relating to this Case: October 13, 2006 (NOE)</p> <p>Background Facts: This was a routine investigation. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to submit an application to renew a wastewater permit and continued to discharge without authorization. Specifically, Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10496001 had expired on September 1, 2006, and the wastewater treatment facility continued to operate [30 TEX. ADMIN. CODE § 305.65 and TEX. WATER CODE § 26.121(a)(1)].</p> <p>2) Failed to comply with TPDES Permit No. 10496001 daily average biochemical oxygen demand permitted effluent limit of 30 milligrams per liter (mg/L), reporting 44.2 mg/L, 42.0 mg/L, 41.0 mg/L, 40.5 mg/L, and 31.75 mg/L for the months of November 2005 through March 2006, respectively [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 10496001 Final Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$9,680</p> <p>Total Deferred: \$1,936 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,744</p> <p>Site Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification: <input type="checkbox"/> High <input checked="" type="checkbox"/> Avg. <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a. In April 2006, began adding bacteria and oxygen boosters to treatment units at the Facility to prevent effluent excursions and achieve compliance with effluent limitations by April 30, 2006; and</p> <p>b. Submitted a permit application which was received by the TCEQ on October 9, 2006.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;</p> <p>b. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. 10496001; and</p> <p>c. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance.</p>



Policy Revision 2 (September 2002)

EXPEDITED Coolidge app 1311 wb3
Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned 16-Oct-2006	Screening 26-Oct-2006	EPA Due <input type="text"/>
	PCW 26-Oct-2006		

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Coolidge		
Reg. Ent. Ref. No.	RN101919025		
Facility/Site Region	9-Waco	Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	31569	No. of Violations	2
Docket No.	2006-1878-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee G. Hupp
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum \$0	Maximum	\$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 145% Enhancement **Subtotals 2, 3, & 7**

Notes Respondent self-reported 24 effluent violations, received one NOV for same or similar violations, and was issued one Agreed Order.

Culpability No Enhancement **Subtotal 4**

Notes The respondent does not meet culpability criteria.

Good Faith Effort to Comply 0% Reduction **Subtotal 5**

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes The respondent does not meet good faith criteria.

Economic Benefit 0% Enhancement* **Subtotal 6**

Total EB Amounts	<input type="text" value="\$137"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$3,000"/>	

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

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

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

Notes Recommend reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 26-Oct-2006

Docket No. 2006-1878-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 2 (September 2002)

Case ID No. 31569

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Merrilee G. Hupp

Compliance History Worksheet

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

Component	Number of..	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	25	125%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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 (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
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) 145%

>> **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

Respondent self-reported 24 effluent violations, received one NOV for same or similar violations, and was issued one Agreed Order.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 145%

Screening Date 26-Oct-2006 **Docket No.** 2006-1878-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 2 (September 2002)

Case ID No. 31569

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Merrilee G. Hupp

Violation Number

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

30 Tex. Admin. Code § 305.65 and Tex. Water Code § 26.121(a)(1)

Violation Description

Failure to submit an application to renew a wastewater permit and continuing to discharge without authorization, as documented during the September 8, 2006 investigation. Specifically, TPDES Permit No. 10496001 had expired on September 1, 2006, and the wastewater treatment facility continued to operate.

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

100 percent of the rule requirement was not met.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two monthly events are recommended from the permit expiration date (September 1, 2006) to the screening date (October 26, 2006).

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 Coolidge
Case ID No. 31569
Reg. Ent. Reference No. RN101919025
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description No commas or \$
Item Cost
Date Required
Final Date
Yrs
Interest Saved

Onetime Costs
EB Amount

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$2,000	01-Sep-2006	01-Nov-2007	1.2	\$117	n/a	\$117
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs The cost is the estimated administrative cost and permit application fee associated with an application for a permit. Date required is the date the permit expired and the final date is the date a new permit is expected to be issued.

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance **\$2,000**

TOTAL \$117

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Screening Date 26-Oct-2006

Docket No. 2006-1878-MWD-E

PCW

Respondent City of Coolidge

Policy Revision 2 (September 2002)

Case ID No. 31569

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN101919025

Media [Statute] Water Quality

Enf. Coordinator Merrilee G. Hupp

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121(a), and TPDES Permit No. 10496001 Final Effluent Limitations and Monitoring Requirements Nos. 1

Secondary Rule Cite(s)

Violation Description

Failure to comply with TPDES Permit No. 10496001 daily average biochemical oxygen demand permitted effluent limit of 30 milligrams per liter (mg/L), reporting 44.2 mg/L, 42.0 mg/L, 41.0 mg/L, 40.5 mg/L, and 31.75 mg/L for the months of November 2005 through March 2006, respectively.

Base Penalty

>> Environmental, Property and Human Health Matrix

Harm

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

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

mark only one 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

Two 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)

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Economic Benefit Worksheet

Respondent: City of Coolidge
 Case ID No. 31569
 Reg. Ent. Reference No. RN101919025
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$1,000	30-Nov-2005	30-Apr-2006	0.4	\$21	n/a	\$21

Notes for DELAYED costs: Cost is estimate for the increased monitoring necessary to determine the cause and resolution of the effluent excursions. Date required is the first month that the violation was documented and final date is when compliance with effluent limitations was achieved.

Item	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 **\$21**

Compliance History

Customer/Respondent/Owner-Operator: CN600510598 City of Coolidge Classification: AVERAGE Rating: 3.69
Regulated Entity: RN101919025 CITY OF COOLIDGE Classification: AVERAGE Site Rating: 3.69
ID Number(s): WASTEWATER PERMIT WQ0010496001
WASTEWATER PERMIT TPDES0057045
WASTEWATER LICENSING LICENSE WQ0010496001
Location: 4,500 ft. NE of intersec. Of FM Roads 73 and 1951 Rating Date: 9/1/2006
Limestone County Repeat Violator: NO
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: October 26, 2006
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: October 26, 2001 to October 26, 2006
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee G. Hupp Phone: 512-239-4490

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 06/13/2004 ADMINORDER 2003-1349-MWD-E

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT

Description: Failure to comply with the permit limit for 5-day Biochemical Oxygen Demand daily average (mg/l) at Outfall 001A for the monitoring periods ending 12/31/2001 thru 04/30/2002; for the month of 7/02; and from 12/02 thru 3/03. These violations meet referral criteria.

Classification: Moderate

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

Rqmt Prov: TPDES PERMIT NO. 10496-001 OP

Description: Failed to record Flow on monthly DMR forms

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 11/01/2001 (188833)
- 2 09/20/2002 (188834)
- 3 11/01/2001 (188836)
- 4 10/25/2002 (188837)
- 5 11/30/2001 (188839)
- 6 12/27/2001 (188841)
- 7 01/28/2002 (188843)
- 8 02/03/2003 (188844)
- 9 09/29/2004 (357274)
- 10 09/29/2004 (357275)
- 11 09/29/2004 (357276)
- 12 09/29/2004 (357277)

- 13 03/10/2006 (454705)
- 14 05/05/2003 (249757)
- 15 03/22/2004 (308484)
- 16 05/22/2003 (308485)
- 17 06/24/2003 (308486)
- 18 07/25/2003 (308487)
- 19 08/26/2003 (308488)
- 20 09/23/2003 (308489)
- 21 11/10/2003 (308490)
- 22 11/20/2003 (308491)
- 23 12/29/2003 (308492)
- 24 08/02/2004 (273432)
- 25 10/29/2003 (253478)
- 26 10/28/2004 (337569)
- 27 02/25/2002 (188821)
- 28 02/20/2003 (188822)
- 29 06/09/2005 (422726)
- 30 05/23/2005 (422727)
- 31 03/21/2002 (188824)
- 32 10/11/2006 (512536)
- 33 05/20/2005 (422728)
- 34 05/23/2005 (422729)
- 35 05/05/2003 (188825)
- 36 05/23/2005 (422730)
- 37 05/23/2005 (422731)
- 38 05/23/2005 (422732)
- 39 04/22/2002 (188827)
- 40 05/23/2005 (422733)
- 41 05/23/2005 (422734)
- 42 05/05/2003 (188828)
- 43 05/22/2002 (188829)
- 44 07/26/2002 (188830)
- 45 08/23/2002 (188831)

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

Date: 12/31/2001 (188843)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2002 (188844)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (357274)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (357275)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (357277)
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: 02/29/2004 (308484)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (308485)
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: 08/15/2004 (273432)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to comply with the permit limit for 5-day Biochemical Oxygen Demand daily average (mg/l) at Outfall 001A for the monitoring periods ending 12/31/2001 thru 04/30/2002; for the month of 7/02; and from 12/02 thru 3/03. These violations meet referral criteria.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.5(e)(1)[G]
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3(e)(5)
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: PERMIT IA
Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3(a)

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: PERMIT IA

Description: Failure to comply with procedures for the analysis of pollutants as specified in 319.11 - 319.12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: PERMIT IA

Description: Failure to comply with procedures for the analysis of pollutants as specified in 319.11 - 319.12.

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 312, SubChapter G 312.141(a)

30 TAC Chapter 312, SubChapter G 312.145(a)(1)

30 TAC Chapter 312, SubChapter G 312.145(a)(6)

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to comply with all provisions of 30 TAC 312.1 - 312.13 concerning sewage sludge use and disposal.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

30 TAC Chapter 305, SubChapter F 305.125(11)(C)(G)

Rqmt Prov: PERMIT IA

Description: Failure to submit an Annual Sludge Report to the TCEQ by September 1 of each year.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.3(c)(2)

Rqmt Prov: PERMIT IA

Description: Failure to properly operate and maintain all systems of collection, treatment, and disposal.

Date: 09/30/2003 (308490)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)(G)

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (308491)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)(G)

Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (308492)

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

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 (5-day Biochemical Oxygen Demand ave. concentration)

Date: 12/30/2005

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 (5-day Biochemical Oxygen Demand ave. concentration)

Date: 1/31/2006

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 (5-day Biochemical Oxygen Demand ave. concentration)

Date: 02/28/2006

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 (5-day Biochemical Oxygen Demand ave. concentration)

Date: 01/31/2002 (188821)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (188822)

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

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 (5-day Biochemical Oxygen Demand ave. concentration)

Date: 04/30/2005 (422726)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (188824)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (188825)
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 (188827)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (188828)
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 (188829)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2002 (188831)
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 COOLIDGE
RN101919025**

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

AGREED ORDER DOCKET NO. 2006-1878-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 Coolidge ("City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located 4,500 feet northeast of the intersection of Farm-to-Market Roads 73 and 1951 in Limestone 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 October 18, 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 Nine Thousand Six Hundred Eighty Dollars (\$9,680) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Thousand Seven Hundred Forty-Four Dollars (\$7,744) of the administrative penalty and One Thousand Nine Hundred Thirty-Six Dollars (\$1,936) 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 recognizes that the City has implemented the following corrective measures at the Facility:
 - a. In April 2006, began adding bacteria and oxygen boosters to treatment units at the Facility to prevent effluent excursions and achieve compliance with effluent limitations by April 30, 2006; and
 - b. Submitted a permit application which was received by the TCEQ on October 9, 2006.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to submit an application to renew a wastewater permit and continued to discharge without authorization, in violation of 30 TEX. ADMIN. CODE § 305.65 and TEX. WATER CODE § 26.121(a)(1), as documented during an investigation conducted on September 8, 2006. Specifically, TPDES Permit No. 10496001 had expired on September 1, 2006, and the wastewater treatment facility continued to operate.
2. Failed to comply with TPDES Permit No. 10496001 daily average biochemical oxygen demand permitted effluent limit of 30 milligrams per liter (mg/L), reporting 44.2 mg/L, 42.0 mg/L, 41.0 mg/L, 40.5 mg/L, and 31.75 mg/L for the months of November 2005 through March 2006, respectively, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 10496001 Final Effluent Limitations and Monitoring Requirements No. 1, as documented during an investigation conducted on September 8, 2006.

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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 Coolidge, Docket No. 2006-1878-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing;
 - b. Immediately upon the effective date of this Agreed Order, until such time that authorization to operate is obtained, or until 180 days after the effective date of this Agreed Order, whichever is earlier, comply with the permit limits in expired TPDES Permit No. 10496001; and
 - c. Within 180 days after the effective date of this Agreed Order, submit written certification that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained. 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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It highlights the importance of using reliable sources and ensuring the accuracy of the information gathered.

3. The third part of the document focuses on the interpretation and analysis of the collected data. It discusses the various statistical tools and techniques used to identify trends and patterns in the data.

4. The fourth part of the document discusses the importance of communication and reporting. It emphasizes the need for clear and concise communication of the findings and conclusions of the study.

5. The fifth part of the document discusses the importance of ethical considerations in research. It highlights the need for researchers to adhere to ethical standards and to be transparent about their methods and findings.

6. The sixth part of the document discusses the importance of ongoing evaluation and improvement. It emphasizes the need for researchers to regularly assess the quality of their work and to make adjustments as needed.

7. The seventh part of the document discusses the importance of collaboration and teamwork. It highlights the need for researchers to work together and to share their knowledge and resources.

8. The eighth part of the document discusses the importance of staying up-to-date on the latest research and developments in the field. It emphasizes the need for researchers to continuously learn and grow.

9. The ninth part of the document discusses the importance of maintaining a professional and ethical reputation. It highlights the need for researchers to be honest and to avoid conflicts of interest.

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
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes the need for transparency and accountability in financial reporting.

2. The second part of the document outlines the various methods and techniques used to collect and analyze data. It includes a detailed description of the experimental procedures and the statistical tools employed to interpret the results.

3. The third part of the document presents the findings of the study. It includes a series of tables and graphs that illustrate the key results and trends observed during the course of the research.

4. The fourth part of the document discusses the implications of the findings and offers suggestions for further research. It highlights the potential applications of the study and the need for continued exploration in this field.

5. The fifth part of the document provides a summary of the overall conclusions and a final statement of the author's perspective on the subject matter. It serves as a concise overview of the entire study.

6. The sixth part of the document includes a list of references and a bibliography. It provides a comprehensive list of the sources consulted during the research process, ensuring that all relevant information is properly cited.

7. The seventh part of the document contains a list of appendices and supplementary materials. These include additional data, charts, and documents that provide further detail and support for the main text of the report.

8. The eighth part of the document is a concluding section that reiterates the main points of the study and offers a final thought on the significance of the work. It serves as a final reflection on the journey of the research and the insights gained along the way.

7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

For the Executive Director



Date 4/27/07

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

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

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

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

Signature

Date

Name (Printed or typed)

Title

Authorized Representative of
City of Coolidge

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

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