

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2004-0114-MLM-E **TCEQ ID:** RN101721355 and RN101386662 **CASE NO.:** 12305
RESPONDENT NAME: City of Brenham

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| ORDER TYPE: | | |
| <input type="checkbox"/> 1660 AGREED ORDER | <input checked="" type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input checked="" type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: City of Brenham Wastewater Treatment Facility, 2005 Old Chappell Hill Road, and Public Water Supply, 1105 South Austin Street, Brenham, Washington County</p> <p>TYPE OF OPERATION: Wastewater treatment facility and related pretreatment program and public water supply</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these facility locations.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on June 4, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 TCEQ Central Office Investigator: Ms. Jill Russell, Permitting, Remediation and Registration Division, MC 148, (512) 239-4564 Respondent: Mr. Terry K. Roberts, City Manager, City of Brenham, P.O. Box 1059, Brenham, Texas 77834 Mr. Lowell Olge, Jr., Director of Public Utilities, City of Brenham, P.O. Box 1059, Brenham, Texas 77834 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
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| <p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: February 5-7, 2002; February 19, 2003; April 8, 2003; May 14, 2003</p> <p>Dates of NOV/NOE Relating to this Case: August 17, 2002; May 2, 2003; July 6, 2003; March 19, 2004</p> <p>Background Facts: These were routine investigations. Fifteen violations were documented.</p> <p>WATER</p> <p>1) Failed to update a list of the City's Industrial Users ("IUs"), including their names and addresses, or a list of deletions and additions [30 TEX. ADMIN. CODE § 315.1, Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(a) and 40 CODE OF FEDERAL REGULATIONS ("CFR") § 403.12(i)(1) and (2)].</p> <p>2) Failed to identify and locate all possible IUs within jurisdictions discharging to the Publicly Owned Treatment Works ("POTW") and make the compilation, index, or inventory available to the Approval Authority upon demand [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(a) and 40 CFR §§ 403.8(f)(2)(i) and (6)].</p> <p>3) Failed to develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(c) and 40 CFR §§ 403.8(f)(2) and (6)].</p> | <p>Total Assessed: \$44,150</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$44,150</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>RN101721355 Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>RN101386662 Site Compliance History Classification <input type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three previous NOVs for the same violation over the prior five year period.</p> | <p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures:</p> <p>a. On March 29, 2003 the City provided the TCEQ an updated list of all possible IUs within the jurisdiction discharging to the POTW, including their names and addresses, list of deletions and additions and identifies which IUs are subject to categorical pretreatment standards;</p> <p>b. In November 2003 the City obtained updated information, via an updated permit application, and issued permits to the following SIUs: Blue Bell Creameries Inc., Longwood Elastomers Inc. and Mount Vernon Mills, Inc.;</p> <p>c. In November 2003, Cleaners Hangers Co. ceased operation therefore nullifying any associated Technical Requirements;</p> <p>d. As of March 2002 wastewater discharge flows from Blue Bell Creameries Inc. and Mount Vernon Mills, Inc. are being monitored on a monthly basis;</p> <p>e. On April 8, 2003 the City entered into a contract to begin construction to add a pump to meet the 4,384 gpm minimum water systems pumping capacity requirement;</p> <p>f. On June 30, 2003 the missing buoys marking the restricted zone surrounding the raw water intake were replaced;</p> <p>g. On March 29, 2004 the fluoride storage tank was properly labeled;</p> <p>h. In January 2004 the required containment was installed around the Alum storage tank;</p> <p>i. On August 22, 2003 the gate at the Jeffries elevated storage tank was repaired;</p> <p>j. In January 2004 the chlorine cylinders were housed in an enclosed protective building; and</p> <p>k. As of March 2002 began to receive and analyze required reports for completeness and accuracy.</p> |

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| <p>4) Issued a permit to Cleaners Hangers Co. which does not accurately reflect the applicable categorical pretreatment standards for Outfall 002 and 003. Alternative categorical discharge limits have not been developed using the combined waste stream formula ("CWF") in the permit, which is required when non-regulated process wastewater and categorical process wastewater are mixed prior to treatment or sampling. Therefore, the Categorical Industrial User's ("CIU's") permit does not contain the appropriate permit limits based on the applicable production based categorical standards and the CWF [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(d) and 40 CFR §§ 403.8(f)(1)(iii)(C) and (D) and 403.6(e)].</p> <p>5) Failed to randomly inspect, sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with the pretreatment standards at least once a year [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(v)].</p> <p>6) Failed to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(iv)].</p> <p>7) Did not receive and analyze required reports for completeness and accuracy and collect information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(vi)].</p> <p>8) Failed to enforce their Enforcement Response Plan ("ERP") [30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(c) and 40 CFR § 403.8(f)(5)].</p> <p>9) Failed to comply with certain permitted limits at Outfall 001 [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10388-001, Interim II Effluent Limitations and Monitoring Requirements No. 1].</p> | | <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p> <p>3) The Order will also require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order:</p> <p>i. Submit certification of compliance with the effluent limits of TPDES Permit No. 10388-001; and</p> <p>ii. Provide a raw water pumping capacity of 0.6 gpm.</p> <p>b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions 3.a.i. and 3.a.ii.</p> |
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10) Failed to meet the Agency's "Minimum Water Systems Capacity Requirement" of 0.6 gallons per minute ("gpm") [30 TEX. ADMIN. CODE §§ 290.45(b)(2)(A) and (e) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

11) Failed to properly mark the 200 foot restricted zone surrounding the raw water intake [30 TEX. ADMIN. CODE § 290.41(e)(2)(C)].

12) Failed to label all chemical bulk storage facilities and day tanks [30 TEX. ADMIN. CODE § 290.42(d)(6)(C)].

13) Failed to provide adequate containment facilities for all liquid chemical storage tanks [30 TEX. ADMIN. CODE § 290.42(d)(6)(E)(ii)].

14) Failed to provide an intruder resistant fence in order to protect the elevated storage tank [30 TEX. ADMIN. CODE § 290.43(e)].

15) Failed to properly house disinfection equipment [30 TEX. ADMIN. CODE § 290.42(e)(4)(B)].

Attachment A
Docket Number: 2004-0114-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

| | |
|--------------------------------|-----------------------------------------------------------------------------------------------------------------------------|
| Respondent: | City of Brenham |
| Payable Penalty Amount: | Forty-Four Thousand One Hundred Fifty Dollars (\$44,150) |
| SEP Amount: | Forty-Four Thousand One Hundred Fifty Dollars (\$44,150) |
| Type of SEP: | Pre-approved |
| Third-Party Recipient: | Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up |
| Location of SEP: | Washington County |

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

| | | | | | | | |
|-------------------------------------------------------------------------------------------|--|------------------------------|--|-------------------------------------|--|----------------|--|
| PCW 28-Jan-2004 | | Screening 28-Jan-2004 | | Priority Due 27-May-2004 | | EPA Due | |
| RESPONDENT INFORMATION | | | | | | | |
| Respondent City of Brenham | | | | | | | |
| Respondent/Site ID No(s) Public Water Supply Registration No. 2390001; RN101386662 | | | | | | | |
| Facility/Site Region 9 - Waco | | | | Major/Minor Source Major | | | |
| CASE INFORMATION | | | | | | | |
| Enf./Case ID No(s) CCEDS Case No. 12305 | | | | | | | |
| Docket No. 2004-0114-MLM-E | | | | No. Violations 6 | | | |
| Case Priority 3 | | | | Order Type Findings | | | |
| Enf. Coordinator David Van Soest | | | | EC's Team Enforcement Team 2 | | | |
| Media Program(s) Public Water Supply | | | | | | | |
| Admin. Penalty \$ Limit | | Minimum \$50 | | Maximum \$1,000 | | | |

Penalty Calculation Section

| | | | |
|----------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|-------------------------------|---------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | | Subtotal 1 | \$3,450 |
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | | | |
| Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage. | | | |
| Compliance History | 0% Enhancement | Subtotals 2, 3 & 7 | \$0 |
| Notes | No previous Notices of Violation were documented at this facility. | | + |
| Culpability | 0% Enhancement | Subtotal 4 | \$0 |
| Notes | The respondent does not meet the culpability criteria. | | + |
| Good Faith Effort to Comply | 0% Reduction | Subtotal 5 | \$0 |
| | Before NOV | NOV to EDPRP/Settlement Offer | |
| Extraordinary | | | |
| Ordinary | | | |
| None of the above | X | (mark with small x) | + |
| Notes | The respondent is not yet in compliance. | | |
| Economic Benefit | 0% Enhancement* | Subtotal 6 | \$0 |
| | \$1,504 Total EB Amounts | | = |
| | \$16,950 Approx. Cost of Compliance | | |
| SUM OF SUBTOTALS 1-7 | | Final Subtotal | \$3,450 |
| OTHER FACTORS AS JUSTICE MAY REQUIRE | | Adjustment | \$0 |
| Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%) | | | |
| Notes | | | = |
| | | Final Penalty Amount | \$3,450 |
| STATUTORY LIMIT ADJUSTMENT | | Final Assessed Penalty | \$3,450 |
| DEFERRAL | | Adjustment | \$0 |
| Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction) | | | |
| Notes | No deferral will be offered with a Findings Order. | | = |
| PAYABLE PENALTY | | | \$3,450 |

Screening Date 28-Jan-2004 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Public Water Supply Registration No. 2390001; RN101386662
Media [Statute] Public Water Supply
Enf. Coordinator David Van Soest
Site Address 1105 South Austin Street, Brenham Texas, Washington County

Compliance History Worksheet

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

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 0 | 0% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 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 (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 submitted) | 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) 0%

>> **Repeat Violator (Subtotal 3)**

N/A Select Yes/No **Adjustment Percentage (Subtotal 3)** 0%

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

Average Performer Select High, Average or Poor **Adjustment Percentage (Subtotal 7)** 0%

Compliance History Summary

Compliance History Notes

No previous Notices of Violation were documented at this facility.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 0%

| | | | | | |
|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------|--------------------------------------|-------------------------------------|----------------------|
| Screening Date | 28-Jan-04 | Docket Number | 2004-0114-MLM-E | PCW | |
| Respondent | City of Brenham | Policy Revision 2 (09/02) | | | |
| Case ID No. | CCEDS Case No. 12305 | PCW Revision 6/12/2003 | | | |
| Respondent/Site ID No. | Public Water Supply Registration No. 2390001; RN101386662 | | | | |
| Media [Statute] | Public Water Supply | | | | |
| Enf. Coordinator | David Van Soest | | | | |
| Violation Number | 1 | | | | |
| Primary Rule Cite | 30 Tex. Admin. Code §§ 290.45(b)(2)(A) and (e) | | | | |
| Secondary Cite(s) | Tex. Health and Safety Code § 341.0315(c) | | | | |
| Violation Description | Failure to meet the Agency's "Minimum Water Systems Capacity Requirement" of 0.6 gallons per minute ("gpm"). The system's raw water pumping capacity is 6.0% deficient with a pumping capacity of 4100 gpm instead of the required 4,384 gpm. | | | | |
| Base Penalty | | | | \$1,000 | |
| » Environmental, Property and Human Health Matrix | | | | | |
| Harm | | | | | |
| | Release | Major | Moderate | Minor | |
| OR | Actual | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | Potential | <input type="text"/> | <input type="text"/> | <input checked="" type="checkbox"/> | |
| | | | | Percent | 10% |
| » Programmatic Matrix | | | | | |
| | Falsification | Major | Moderate | Minor | |
| OR | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | |
| | | | | Percent | <input type="text"/> |
| Matrix Notes | Failure to meet the systems raw water requirements (6.0% deficient) could result in low pressure and water outages potentially allowing an insignificant amount of contaminants that would not exceed health-based levels to enter the system. | | | | |
| Adjustment | | | | -\$900 | |
| Base Penalty Subtotal | | | | \$100 | |
| Violation Events | | | | | |
| Number of Violation Events | | 1 | | | |
| <i>mark only one; use 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 | | | | \$100 | |
| Events Notes | One single event is recommended as per Penalty Policy. | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | |
| Estimated EB Amount (\$) | | \$1,145 | Violation Final Penalty total | | |
| | | | \$100 | | |
| This Violation Final Assessed Penalty (adjusted for limits) | | | | \$100 | |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 1

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

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---------------------------------------------|---------------|-------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | \$10,000 | 8-Apr-2003 | 25-Nov-2004 | 1.6 | \$55 | \$1,090 | \$1,145 |
| 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

Estimated cost to meet the Agency's "Minimum Water Systems Capacity Requirement" of 0.6 gallons per minute ("gpm"). Date required is the date of the investigation. Final date is the estimated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equip | | | | 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 28-Jan-04 | Docket Number 2004-0114-MLM-E | PCW |
| Respondent City of Brenham | | Policy Revision 2 (09/02) |
| Case ID No. CCEDS Case No. 12305 | | PCW Revision 6/12/2003 |
| Respondent/Site ID No. Public Water Supply Registration No. 2390001; RN101386662 | | |
| Media [Statute] Public Water Supply | | |
| Enf. Coordinator David Van Soest | | |
| Violation Number <input type="text" value="2"/> | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 290.41(e)(2)(C) | |
| Secondary Cite(s) | | |
| Violation Description | Failed to properly mark the 200 foot restricted zone surrounding the raw water intake. Specifically, several of the buoys marking the restricted zone were missing. | |
| | Base Penalty | \$1,000 |
| » Environmental, Property and Human Health Matrix | | |
| | Harm | |
| | Release | Major Moderate Minor |
| OR | Actual | <input type="text"/> |
| | Potential | <input type="text" value="x"/> |
| | Percent | <input type="text" value="25%"/> |
| » Programmatic Matrix | | |
| | Falsification | Major Moderate Minor |
| OR | <input type="text"/> | <input type="text"/> |
| | Percent | <input type="text"/> |
| Matrix Notes | Failed to properly mark the restricted zone surrounding the raw water intake may allow activities to occur which would introduce pollutants that could endanger human health and personal safety. | |
| | Adjustment | <input type="text" value="-750"/> |
| | Base Penalty Subtotal | \$250 |
| Violation Events | | |
| | Number of Violation Events | <input type="text" value="1"/> |
| <i>mark only one; use 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 type="text" value="x"/> |
| | Violation Base Penalty | \$250 |
| Events Notes | One single event is recommended based on the investigation date of April 8, 2003. | |
| Economic Benefit (EB) for this violation | | |
| | Estimated EB Amount (\$) | <input type="text" value="\$4"/> |
| Statutory Limit Test | | |
| | Violation Final Penalty total | \$250 |
| | This Violation Final Assessed Penalty (adjusted for limits) | \$250 |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 2

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

| Item Description | Item Cost No commas or \$ | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|------------------|------------------------------|---------------|------------|-----|----------------|----------------|-----------|
|------------------|------------------------------|---------------|------------|-----|----------------|----------------|-----------|

Delayed Costs

| | | | | | | | |
|--------------------------|-------|------------|-------------|-----|-----|-----|-----|
| Equipment | \$250 | 8-Apr-2003 | 30-Jun-2003 | 0.2 | \$0 | \$4 | \$4 |
| 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

Estimated cost to properly mark the restricted zone surrounding the raw water intake. Date required is the date of the investigation. Final date is the date compliance was achieved.

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/equip | | | | 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 28-Jan-04 | Docket Number 2004-0114-MLM-E | PCW | | | | | | |
| Respondent City of Brenham | | Policy Revision 2 (09/02) | | | | | | |
| Case ID No. CCEDS Case No. 12305 | | PCW Revision 6/12/2003 | | | | | | |
| Respondent/Site ID No. Public Water Supply Registration No. 2390001; RN101386662 | | | | | | | | |
| Media [Statute] Public Water Supply | | | | | | | | |
| Enf. Coordinator David Van Soest | | | | | | | | |
| Violation Number 3 | | | | | | | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 290.42(d)(6)(C) | | | | | | | |
| Secondary Cite(s) | | | | | | | | |
| Violation Description | Failed to label all chemical bulk storage facilities and day tanks. Specifically, the fluoride storage facility was not labeled. | | | | | | | |
| | Base Penalty | \$1,000 | | | | | | |
| » Environmental, Property and Human Health Matrix | | | | | | | | |
| | Harm | | | | | | | |
| | Release | Major Moderate Minor | | | | | | |
| OR | Actual | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">x</td></tr></table> | | | | | | x |
| | | | | | | | | |
| | | x | | | | | | |
| | Potential | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">x</td></tr></table> | | | x | | | |
| | | x | | | | | | |
| | Percent | 10% | | | | | | |
| » Programmatic Matrix | | | | | | | | |
| OR | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 100px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | Percent | | |
| | | | | | | | | |
| Matrix Notes | Failure to label all chemical bulk storage facilities and day tanks will or could expose human health and environmental receptors to an insignificant amount of pollutants which would not exceed levels that are protective of human health and the environment. | | | | | | | |
| | Adjustment | -\$900 | | | | | | |
| | Base Penalty Subtotal | \$100 | | | | | | |
| Violation Events | | | | | | | | |
| | Number of Violation Events | 1 | | | | | | |
| <i>mark only one; use small x</i> | daily | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | | |
| | | | | | | | | |
| | monthly | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | | |
| | | | | | | | | |
| | quarterly | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | | |
| | | | | | | | | |
| | semiannual | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | | |
| | | | | | | | | |
| | annual | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | | |
| | | | | | | | | |
| | single event | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px; text-align: center;">x</td></tr></table> | x | | | | | |
| x | | | | | | | | |
| | Violation Base Penalty | \$100 | | | | | | |
| Events Notes | One single event is recommended based on the investigation date of April 8, 2003. | | | | | | | |
| Economic Benefit (EB) for this violation Statutory Limit Test | | | | | | | | |
| | Estimated EB Amount (\$) | \$7 | | | | | | |
| | Violation Final Penalty total | \$100 | | | | | | |
| | This Violation Final Assessed Penalty (adjusted for limits) | \$100 | | | | | | |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 3

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

| Item Description | Item Cost <small>No commas or \$</small> | 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) | \$100 | 8-Apr-2003 | 29-Mar-2004 | 1.0 | \$0 | \$7 | \$7 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (As Needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost to label all chemical bulk storage facilities and day tanks. Date required is the date of the investigation. Final date is the date compliance was achieved.

| 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/equip | | | | 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 \$100 TOTAL \$7

| | | | | |
|---------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|-----------------|--------------------------------------|
| Screening Date | 28-Jan-04 | Docket Number | 2004-0114-MLM-E | PCW |
| Respondent | City of Brenham | | | Policy Revision 2 (09/02) |
| Case ID No. | CCEDS Case No. 12305 | | | PCW Revision 6/12/2003 |
| Respondent/Site ID No. | Public Water Supply Registration No. 2390001; RN10138662 | | | |
| Media [Statute] | Public Water Supply | | | |
| Enf. Coordinator | David Van Soest | | | |
| Violation Number | 4 | | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 290.42(d)(6)(E)(ii) | | | |
| Secondary Cite(s) | | | | |
| Violation Description | Failed to provide adequate containment facilities for all liquid chemical storage tanks. Specifically, the Alum storage tank did not have the required containment. | | | |
| | Base Penalty | \$1,000 | | |
| » Environmental, Property and Human Health Matrix | | | | |
| | Harm | | | |
| | Release | Major | Moderate | Minor |
| OR | Actual | | | |
| | Potential | | x | |
| | | Percent | | 25% |
| » Programmatic Matrix | | | | |
| OR | Falsification | Major | Moderate | Minor |
| | | | | |
| | Percent | | | |
| Matrix Notes | Failure to provide adequate containment will or could expose human health and environmental receptors to a significant amount of pollutants which would not exceed levels that are protective of human health and the environment. | | | |
| | Adjustment | -\$750 | | |
| | Base Penalty Subtotal | \$250 | | |
| Violation Events | | | | |
| | Number of Violation Events | 3 | | |
| <i>mark only one; use small x</i> | daily | | | |
| | monthly | | | |
| | quarterly | x | | |
| | semiannual | | | |
| | annual | | | |
| | single event | | | |
| | | Violation Base Penalty | | \$750 |
| Events Notes | Three quarterly events are recommended based on the investigation date of April 8, 2003, to the date compliance was achieved (January 5, 2004). | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | |
| | Estimated EB Amount (\$) | \$261 | | Violation Final Penalty total |
| | | \$750 | | |
| | This Violation Final Assessed Penalty (adjusted for limits) | | | \$750 |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 4

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

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Overtime Costs | EB Amount |
|--------------------------|---------------------------------------------|---------------|------------|-----|----------------|----------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (As needed) | \$5,000 | 8-Apr-2003 | 5-Jan-2004 | 0.7 | \$12 | \$248 | \$261 |
| Engineering/construction | | | | 0.0 | \$0 | \$0 | \$0 |
| Land | | | | 0.0 | \$0 | n/a | \$0 |
| Record Keeping System | | | | 0.0 | \$0 | n/a | \$0 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (As Needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs
 Estimated cost to provide adequate containment facilities for all liquid chemical storage tanks. Date required is the date of the investigation. Final date is the date compliance was achieved.

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/equip | | | | 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 28-Jan-04 | Docket Number 2004-0114-MLM-E | PCW | | | | |
| Respondent City of Brenham | | Policy Revision 2 (09/02) | | | | |
| Case ID No. CCEDS Case No. 12305 | | PCW Revision 6/12/2003 | | | | |
| Respondent/Site ID No. Public Water Supply Registration No. 2390001; RN101386662 | | | | | | |
| Media [Statute] Public Water Supply | | | | | | |
| Enf. Coordinator David Van Soest | | | | | | |
| Violation Number 5 | | | | | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 290.43(e) | | | | | |
| Secondary Cite(s) | | | | | | |
| Violation Description | Failed to provide an intruder resistant fence in order to protect the elevated storage tank. Specifically, the gate at the Jeffries elevated storage tank had a large gap between the gates when locked. | | | | | |
| | Base Penalty | \$1,000 | | | | |
| » Environmental, Property and Human Health Matrix | | | | | | |
| | Harm | | | | | |
| | Release | Major Moderate Minor | | | | |
| OR | Actual | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | | | | |
| | | | | | | |
| Potential | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px; text-align: center;">x</td><td style="width: 50px; height: 15px;"></td></tr></table> | | x | | | |
| | x | | | | | |
| | Percent | 25% | | | | |
| » Programmatic Matrix | | | | | | |
| | Falsification | Major Moderate Minor | | | | |
| OR | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 100px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | |
| | | | | | | |
| | Percent | | | | | |
| Matrix Notes | Failure to have an adequate perimeter fence could expose human health to significant amounts of pollutants which would not exceed levels that are protective of human health. | | | | | |
| | Adjustment | -\$750 | | | | |
| | Base Penalty Subtotal | \$250 | | | | |
| Violation Events | | | | | | |
| | Number of Violation Events | 1 | | | | |
| <i>mark only one; use small x</i> | daily | <input type="checkbox"/> | | | | |
| | monthly | <input type="checkbox"/> | | | | |
| | quarterly | <input type="checkbox"/> | | | | |
| | semiannual | <input type="checkbox"/> | | | | |
| | annual | <input type="checkbox"/> | | | | |
| | single event | x | | | | |
| | Violation Base Penalty | \$250 | | | | |
| Events Notes | One single event is recommended based on the investigation date of April 8, 2003. | | | | | |
| Economic Benefit (EB) for this violation | | | | | | |
| | Estimated EB Amount (\$) | \$3 | | | | |
| Statutory Limit Test | | | | | | |
| | Violation Final Penalty total | \$250 | | | | |
| | This Violation Final Assessed Penalty (adjusted for limits) | \$250 | | | | |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 5

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

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---------------------------------------------|---------------|-------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | \$100 | 8-Apr-2003 | 22-Aug-2003 | 0.4 | \$0 | \$2 | \$3 |
| 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
 Estimated cost to provide an intruder resistant fence in order to protect the elevated storage tank. Date required is the date of the investigation. Final date is the date compliance was achieved.

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/equip | | | | 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 28-Jan-04 | Docket Number 2004-0114-MLM-E | PCW | | | | |
| Respondent City of Brenham | | Policy Revision 2 (09/02) | | | | |
| Case ID No. CCEDS Case No. 12305 | | PCW Revision 6/12/2003 | | | | |
| Respondent/Site ID No. Public Water Supply Registration No. 2390001; RN101386662 | | | | | | |
| Media [Statute] Public Water Supply | | | | | | |
| Enf. Coordinator David Van Soest | | | | | | |
| Violation Number 6 | | | | | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 290.42(e)(4)(B) | | | | | |
| Secondary Cite(s) | | | | | | |
| Violation Description | Failed to properly house disinfection equipment. Specifically, the chlorine cylinders are installed on outside of the buildings and unprotected at the water treatment plant. | | | | | |
| | Base Penalty | \$1,000 | | | | |
| » Environmental, Property and Human Health Matrix | | | | | | |
| | Harm | | | | | |
| | Release Major Moderate Minor | | | | | |
| OR | Actual | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | | | | |
| | | | | | | |
| | Potential | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 50px; height: 15px; text-align: center;">x</td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | x | | | |
| x | | | | | | |
| | Percent | 50% | | | | |
| » Programmatic Matrix | | | | | | |
| OR | <table border="1" style="display: inline-table; border-collapse: collapse;"><tr><td style="width: 100px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td><td style="width: 50px; height: 15px;"></td></tr></table> | | | | | Percent |
| | | | | | | |
| Matrix Notes | Failed to properly house disinfection equipment will or could expose human health and environmental receptors to a significant amount of pollutants which would exceed levels that are protective of human health and the environment. | | | | | |
| | Adjustment | -\$500 | | | | |
| | Base Penalty Subtotal | \$500 | | | | |
| Violation Events | | | | | | |
| | Number of Violation Events | 4 | | | | |
| <i>mark only one; use small x</i> | daily | <input type="checkbox"/> | | | | |
| | monthly | <input type="checkbox"/> | | | | |
| | quarterly | x | | | | |
| | semiannual | <input type="checkbox"/> | | | | |
| | annual | <input type="checkbox"/> | | | | |
| | single event | <input type="checkbox"/> | | | | |
| | Violation Base Penalty | \$2,000 | | | | |
| Events Notes | Four quarterly events are recommended based on the screening date of April 8, 2003, to the screening date of January 28, 2004, to make the penalty commensurate with the situation. | | | | | |
| Economic Benefit (EB) for this violation | | Statutory Limit Test | | | | |
| | Estimated EB Amount (\$) | \$85 | | | | |
| | Violation Final Penalty total | \$2,000 | | | | |
| | This Violation Final Assessed Penalty (adjusted for limits) | | | | | |
| | | \$2,000 | | | | |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Public Water Supply
Violation Number 6

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

| Item Description | Item Cost <small>No commas or \$</small> | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--------------------------|---------------------------------------------|---------------|-------------|-----|----------------|---------------|-----------|
| Delayed Costs | | | | | | | |
| Equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Buildings | \$1,500 | 8-Apr-2003 | 28-Jan-2004 | 0.8 | \$4 | \$81 | \$85 |
| 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

Estimated cost to properly house the disinfection equipment. Date required is the date of the investigation. Final date is the date compliance was achieved.

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/equip | | | | 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 \$1,500

TOTAL \$85



Policy Revision 2 (09/02)

Penalty Calculation Worksheet (PCW)

PCW Revision 6/12/2003

| | |
|-------------------------------|------------------------------------------------------------------------------------------|
| DATES | |
| PCW | 28-Jan-2004 |
| Screening | 28-Jan-2004 |
| Priority Due | 27-May-2004 |
| EPA Due | |
| RESPONDENT INFORMATION | |
| Respondent | City of Brenham |
| Respondent/Site ID No(s) | Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355 |
| Facility/Site Region | 9 - Waco |
| Major/Minor Source | Major |
| CASE INFORMATION | |
| Enf./Case ID No(s) | CCEDS Case No. 12305 |
| Docket No. | 2004-0114-MLM-E |
| No. Violations | 6 |
| Case Priority | 3 |
| Order Type | Findings |
| Enf. Coordinator | David Van Soest |
| EC's Team | Enforcement Team 2 |
| Media Program(s) | Water Quality |
| Admin. Penalty \$ Limit | Minimum \$0 Maximum \$10,000 |

Penalty Calculation Section

| | | | | | | | | | | | |
|---------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------|---------------|------------------|-----------------------------------|----------|----------------------------|---|-------------------|---|---------------------|
| TOTAL BASE PENALTY (<i>Sum of violation base penalties</i>) | Subtotal 1 | \$22,000 | | | | | | | | | |
| ADJUSTMENTS (+/-) TO SUBTOTAL 1 | | | | | | | | | | | |
| <small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.</small> | | | | | | | | | | | |
| Compliance History | 85% Enhancement | Subtotals 2, 3 & 7 \$18,700 | | | | | | | | | |
| Notes | Twelve self reported effluent violations and five same or similar written Notices of Violation dated June 16 and June 23, 2000, February 6 and July 31, 2001 and January 14, 2003 were documented at this facility location. | | | | | | | | | | |
| Culpability | 0% Enhancement | Subtotal 4 \$0 | | | | | | | | | |
| Notes | No <input checked="" type="checkbox"/> Select Yes/No The respondent does not meet the culpability criteria. | | | | | | | | | | |
| Good Faith Effort to Comply | 0% Reduction | Subtotal 5 \$0 | | | | | | | | | |
| Notes | <table border="1"> <tr> <td>Extraordinary</td> <td>Before NOV</td> <td>NOV to EDPRP/Settlement Offer</td> </tr> <tr> <td>Ordinary</td> <td></td> <td></td> </tr> <tr> <td>None of the above</td> <td>X</td> <td>(mark with small x)</td> </tr> </table> The respondent is not yet in compliance. | | Extraordinary | Before NOV | NOV to EDPRP/Settlement Offer | Ordinary | | | None of the above | X | (mark with small x) |
| Extraordinary | Before NOV | NOV to EDPRP/Settlement Offer | | | | | | | | | |
| Ordinary | | | | | | | | | | | |
| None of the above | X | (mark with small x) | | | | | | | | | |
| Economic Benefit | 0% Enhancement* | Subtotal 6 \$0 | | | | | | | | | |
| Notes | <table border="1"> <tr> <td>\$897</td> <td>Total EB Amounts</td> <td>*Capped at the Total EB \$ Amount</td> </tr> <tr> <td>\$11,400</td> <td>Approx. Cost of Compliance</td> <td>=</td> </tr> </table> | | \$897 | Total EB Amounts | *Capped at the Total EB \$ Amount | \$11,400 | Approx. Cost of Compliance | = | | | |
| \$897 | Total EB Amounts | *Capped at the Total EB \$ Amount | | | | | | | | | |
| \$11,400 | Approx. Cost of Compliance | = | | | | | | | | | |
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$40,700 | | | | | | | | | |
| OTHER FACTORS AS JUSTICE MAY REQUIRE | Adjustment | \$0 | | | | | | | | | |
| Notes | Reduces or enhances the Final Subtotal by the indicated percentage. (enter number only; e.g. -30 for -30%) | | | | | | | | | | |
| STATUTORY LIMIT ADJUSTMENT | Final Penalty Amount | \$40,700 | | | | | | | | | |
| DEFERRAL | Final Assessed Penalty | \$40,700 | | | | | | | | | |
| Notes | Deferral <input type="text"/> Reduction Reduces the Final Assessed Penalty by the indicated percentage. (enter number only; e.g. 20 for 20% reduction) No deferral will be offered with a Findings Order. | | | | | | | | | | |
| PAYABLE PENALTY | | \$40,700 | | | | | | | | | |

Screening Date 28-Jan-2004

Docket Number 2004-0114-MLM-E

PCW

Respondent City of Brenham

Policy Revision 2 (09/02)

Case ID No. CCEDS Case No. 12305

PCW Revision 6/12/2003

Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355

Media [Statute] Water Quality

Enf. Coordinator David Van Soest

Site Address 2005 Old Chappell Hill Road, Brenham, Washington County

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|---------|
| NOVs | Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria) | 17 | 85% |
| | Other written NOVs | 0 | 0% |
| Orders | Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria) | 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 (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 submitted) | 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) 85%

>> Repeat Violator (Subtotal 3)

No Select Yes/No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer Select High, Average or Poor

Adjustment Percentage (Subtotal 7) 0%

Compliance History Summary

Compliance History Notes Twelve self reported effluent violations and five same or similar written Notices of Violation dated June 16 and June 23, 2000, February 6 and July 31, 2001 and January 14, 2003 were documented at this facility location.

Total Adjustment Percentage (Subtotals 2, 3 & 7) 85%

Screening Date 28-Jan-04 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355
Media [Statute] Water Quality
Enf. Coordinator David Van Soest
Violation Number
Primary Rule Cite 30 Tex. Admin. Code § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(a) and 40 Code of Federal Regulations ("CFR") §§ 403.12(i)(1) and (2) and 403.8(f)(2)(i) and (6)
Secondary Cite(s)
Violation Description Failure to identify all possible Industrial Users ("IUs") and make a compilation, index, or inventory of all possible IUs available to the Approval Authority upon demand. Specifically, it was determined the classification of Cleaners Hangers Co. should have been updated as a categorical industrial user ("CIU"), under the Iron and Steel Category, Acid Pickling Subcategory.

| | | | |
|---------------------------------------------------|-------------------------------------------------------------------|-------------------------------------|---------------------------------------|
| | | Base Penalty | \$10,000 |
| » Environmental, Property and Human Health Matrix | | | |
| Harm | | | |
| | Release | Major Moderate Minor | |
| OR | Actual | <input type="text"/> | Percent <input type="text"/> |
| | Potential | <input type="text"/> | |
| » Programmatic Matrix | | | |
| | Falsification | Major Moderate Minor | |
| OR | <input type="text"/> | <input checked="" type="checkbox"/> | Percent 25% |
| Matrix Notes | <input type="text" value="100% of the requirement was not met."/> | | |
| | | Adjustment | <input type="text" value="-\$7,500"/> |
| | | Base Penalty Subtotal | \$2,500 |

Violation Events
Number of Violation Events

| | | | |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------|
| <i>mark only one; use 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="text"/> | Violation Base Penalty | \$2,500 |
|-----------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|---------|

Events Notes

| | |
|---------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------|
| Economic Benefit (EB) for this violation | Statutory Limit Test |
| Estimated EB Amount (\$) <input type="text" value="\$458"/> | Violation Final Penalty total <input type="text" value="\$4,625"/> |
| This Violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$4,625"/> | |

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Water Quality
Violation Number 1

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

| Item Description | Item Cost No commas or \$ | 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) | \$7,000 | 5-Feb-2002 | 29-May-2003 | 1.3 | \$458 | n/a | \$458 |

Notes for DELAYED costs

The estimated cost to update a list of the City's IUs. Date required is the first date of the audit. Final date is the date compliance was achieved.

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/equip | | | | 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 28-Jan-04 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355

Media [Statute] Water Quality
Enf. Coordinator David Van Soest

Violation Number 2

Primary Rule Cite 30 Tex. Admin. Code § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(c) and 40 CFR §§ 403.8(f)(2) and (6)

Secondary Cite(s) TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(d) and 40 CFR §§ 403.8(f)(1)(iii)(C) and (D), and 403.6(e)

Violation Description
 The City failed to develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program. Specifically, the City has been replacing the issued permits without obtaining any updated information, via a new permit application, from significant industrial users ("SIU"). Permits were issued to Blue Bell Creameries Inc., Cleaners Hangers Co., Longwood Elastomers Inc. and Mount Vernon Mills, Inc. without current permit applications. Additionally, during a site visit to Cleaners Hangers Co. it was determined that non-process and process wastewater is mixed prior to the CIU's permitted sampling points at Outfalls 002 and 003. Alternative categorical discharge limits should have been developed using the combined waste stream formula ("CWF") in the permit, which is required when non-regulated process wastewater and categorical process wastewater are mixed prior to treatment or sampling. Therefore, the CIU's permit does not contain the appropriate permit limits based on the applicable production based categorical standards and the CWF.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

Harm

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent

» Programmatic Matrix

| OR | Falsification | | |
|----|---------------|----------|-------|
| | Major | Moderate | Minor |
| | x | | |

Percent 25%

Matrix Notes 100% of the requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,500

Events Notes

One single event is recommended based on the failure to implement a procedure to ensure compliance with the requirements of a Pretreatment Program, as documented by the audit beginning on February 5, 2002, to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$178

Violation Final Penalty total \$4,625

This Violation Final Assessed Penalty (adjusted for limits) \$4,625

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Water Quality
Violation Number 2

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

| Item Description | Item Cost No commas or \$ | 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 | \$2,000 | 5-Feb-2002 | 15-Nov-2003 | 1.8 | \$178 | n/a | \$178 |
| Other (As Needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

The estimated cost to develop and implement procedures to ensure compliance with the requirements the Pretreatment Program. Date required is the first date of the audit. Final date is date compliance was achieved.

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/equip | | | | 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 28-Jan-04 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355

Media [Statute] Water Quality
Enf. Coordinator David Van Soest
Violation Number 3

Primary Rule Cite 30 Tex. Admin. Code § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(v)

Secondary Cite(s)
Violation Description The City failed to randomly inspect, sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with the pretreatment standards at least once a year. Specifically, the City has not sampled Cleaners Hangers Co. Outfalls 002 and 003 for lead and zinc to determine compliance with categorical pretreatment standards under 40 CFR §§420.95 and 420.96, respectively, during the 2001 pretreatment year.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

| | | Harm | | | |
|---------|-----------|-------|----------|-------|-------------|
| Release | | Major | Moderate | Minor | |
| OR | Actual | | | | |
| | Potential | | | X | Percent 10% |

» Programmatic Matrix

| | | Falsification | Major | Moderate | Minor | |
|----|--|---------------|-------|----------|-------|---------|
| OR | | | | | | Percent |

Matrix Notes Failure to inspect, survey, and monitor the IU's facility and procedures would expose human health and environmental receptors to an insignificant amount of pollutants which would not exceed levels that are protective of human health and the environment.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | X |

Violation Base Penalty \$1,000

Events Notes One single event is recommended based on the failure to inspect the IU during the 2001 pretreatment year.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$62

Violation Final Penalty total \$1,850

This Violation Final Assessed Penalty (adjusted for limits) \$1,850

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Water Quality
Violation Number 3

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

| Item Description | Item Cost No commas or \$ | 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 | \$700 | 5-Feb-2002 | 15-Nov-2003 | 1.8 | \$62 | n/a | \$62 |
| 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

The estimated cost to randomly and independently inspect, sample and analyze the effluent supplied by industrial users. Date required is the first date of the audit. Final date is the month Cleaners Hangers Co. closed.

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/equip | | | | 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 28-Jan-04 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355

Media [Statute] Water Quality
Enf. Coordinator David Van Soest
Violation Number 4

Primary Rule Cite 30 Tex. Admin. Code § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR §§ 403.8(f)(2)(iv) and (vi)

Secondary Cite(s)
Violation Description
 The City did not receive and analyze required reports for completeness and accuracy in accordance with the self-monitoring requirements and collect information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Specifically, the permits issued to Blue Bell Creameries Inc., Mount Vernon Mills, Inc., and Cleaners Hangers Co. contained no effluent flow information; Cleaners Hangers Co. submitted monthly monitoring laboratory reports which did not indicate which outfall the samples were taken from and the baseline monitoring report ("BMR") and self-monitoring reports submitted do not contain flows, concentrations of pollutants regulated by the categorical pretreatment standards, production rates of Outfalls 002 and 003. The City's July 27, 2001 investigation report states that the CWF does not need to be used and does not include any information pertaining to the air scrubber unregulated waste streams that are introduced to the categorical waste streams and does not clearly identify sources of flow and Outfall 001 is the combined overall discharge and is simply designated as a manhole; and documentation in the Blue Bell Creameries Inc. file indicated spill events that contained no date or time.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

| | | Harm | | | |
|---------|-----------|-------|----------|-------|---------|
| Release | | Major | Moderate | Minor | |
| OR | Actual | | | | Percent |
| | Potential | | | | |

» Programmatic Matrix

| | | Major | Moderate | Minor | |
|----|---------------|-------|----------|-------|---------|
| OR | Falsification | | x | | Percent |
| | | | | | |

Matrix Notes 30 to 70 percent of the rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

mark only one; use small x

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$1,000

Events Notes One single event is recommended based on the failure to analyze reports for completeness and accuracy, as documented by the audit beginning on February 5, 2002.

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount (\$) \$65 **Violation Final Penalty total** \$1,850

This Violation Final Assessed Penalty (adjusted for limits) \$1,850

Economic Benefit Worksheet

Respondent City of Brenham
ID Number(s) CCEDS Case No. 12305
Media [Statute] Water Quality
Violation Number 4

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

| Item Description | Item Cost <small>No commas or \$</small> | 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 | \$500 | 5-Feb-2002 | 18-Sep-2004 | 2.6 | \$65 | n/a | \$65 |
| 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
 The estimated cost to analyze required reports for completeness and accuracy, collect information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Date required is the first date of the audit. **Final date is the estimated date of compliance.**

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equip | | | | 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 28-Jan-04 **Docket Number** 2004-0114-MLM-E **PCW**
Respondent City of Brenham **Policy Revision 2 (09/02)**
Case ID No. CCEDS Case No. 12305 **PCW Revision 6/12/2003**
Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355
Media [Statute] Water Quality
Enf. Coordinator David Van Soest
Violation Number 5
Primary Rule Cite 30 Tex. Admin. Code § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(c) and 40 CFR § 403.8(f)(5)
Secondary Cite(s)
Violation Description The City failed to develop procedures to enforce their Enforcement Response Plan ("ERP"). Specifically, the City did not issue Notices of Violation to the SIUs (Tuscarora Inc., Blue Bell Creameries Inc., Cleaners Hangers Co., Mount Vernon Mills, Inc. and Longwood Elastomers Inc.) discharging without an updated permit application.

Base Penalty \$10,000

» Environmental, Property and Human Health Matrix

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent

» Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 25%

Matrix Notes 100% of the requirement was not met.

Adjustment -\$7,500

Base Penalty Subtotal \$2,500

Violation Events

Number of Violation Events 1

mark only one; use small x

| | |
|--------------|---|
| daily | |
| monthly | |
| quarterly | |
| semiannual | |
| annual | |
| single event | x |

Violation Base Penalty \$2,500

Events Notes One single event is recommended based on the failure to enforce their ERP, as documented by the audit beginning on February 5, 2002, to make the penalty commensurate with the situation.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount (\$) \$44

Violation Final Penalty total \$4,625

This Violation Final Assessed Penalty (adjusted for limits) \$4,625

Economic Benefit Worksheet

Respondent City of Brenham
 ID Number(s) CCEDS Case No. 12305
 Media [Statute] Water Quality
 Violation Number 5

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

| Item Description | Item Cost <small>No commas or \$</small> | 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) | \$500 | 5-Feb-2002 | 15-Nov-2003 | 1.8 | \$44 | n/a | \$44 |

Notes for DELAYED costs

The estimated cost to enforce the ERP. Date required is the first date of the audit. Final date is the date compliance was achieved.

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/equip | | | | 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 28-Jan-04 | Docket Number 2004-0114-MLM-E | PCW |
| Respondent City of Brenham | | Policy Revision 2 (09/02) |
| Case ID No. CCEDS Case No. 12305 | | PCW Revision 6/12/2003 |
| Respondent/Site ID No. Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10388-001; RN101721355 | | |
| Media [Statute] Water Quality | | |
| Enf. Coordinator David Van Soest | | |
| Violation Number <input type="text" value="6"/> | | |
| Primary Rule Cite | 30 Tex. Admin. Code § 305.125(1), Texas Water Code § 26.121(a) and TPDES Permit ID No. 10388-001, Interim II Effluent Limitations and Monitoring Requirements No. 1 | |
| Secondary Cite(s) | | |
| Violation Description | Failure to comply with the permitted limits at Outfall 001 as follows: Total Ammonia Nitrogen Daily Average of 106.0 pounds per day ("lbs/day") for the months of February, April and October 2002; Total Ammonia Nitrogen Daily Average of 7.0 milligrams per liter ("mg/L") for the month of May 2003; Dry Weight Mercury Maximum of 15.0 lbs/day for the month of July 2003; and Carbonaceous Biological Oxygen Demand ("CBOD") of 20.0 mg/L for the month of September 2003. See attached chart for specific parameters. | |
| | Base Penalty | \$10,000 |
| » Environmental, Property and Human Health Matrix | | |
| | Harm | |
| | Release | Major Moderate Minor |
| OR | Actual | <input type="text"/> <input type="text"/> <input checked="" type="text" value="x"/> |
| | Potential | <input type="text"/> <input type="text"/> <input type="text"/> |
| | Percent | <input type="text" value="25%"/> |
| » Programmatic Matrix | | |
| | Falsification | Major Moderate Minor |
| OR | <input type="text"/> | <input type="text"/> <input type="text"/> <input type="text"/> |
| | Percent | <input type="text"/> |
| Matrix Notes | The amount of pollutants discharged at the time of the violations were insignificant and did not exceed levels that are protective of human health and the environment. | |
| | Adjustment | <input type="text" value="-\$7,500"/> |
| | Base Penalty Subtotal | \$2,500 |
| Violation Events | | |
| | Number of Violation Events | <input type="text" value="5"/> |
| mark only one; use small x | daily | <input type="text"/> |
| | monthly | <input type="text"/> |
| | quarterly | <input checked="" type="text" value="x"/> |
| | semiannual | <input type="text"/> |
| | annual | <input type="text"/> |
| | single event | <input type="text"/> |
| | Violation Base Penalty | \$12,500 |
| Events Notes | Five quarterly events are recommended based on the violation months of February through May 2002, October 2002 and May, July and September 2003. | |
| Economic Benefit (EB) for this violation | | |
| | Estimated EB Amount (\$) | <input type="text" value="\$89"/> |
| Statutory Limit Test | | |
| | Violation Final Penalty total | \$23,125 |
| | This Violation Final Assessed Penalty (adjusted for limits) | \$23,125 |

Economic Benefit Worksheet

Respondent City of Brenham
 ID Number(s) CCEDS Case No. 12305
 Media [Statute] Water Quality
 Violation Number 6

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

| Item Description | Item Cost No commas or \$ | 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 | \$700 | 28-Feb-2002 | 18-Sep-2004 | 2.6 | \$89 | n/a | \$89 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (As Needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost for additional oversight and sampling which might have reduced or alleviated the exceedances. Date required is the first date the violation was documented. Final date is the estimated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equip | | | | 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: CN600622898 City of Brenham Classification: AVERAGE Rating: 1.64

Regulated Entity: RN101721355 CITY OF BRENHAM Classification: AVERAGE Site Rating: 1.75

PRETREATMENT PERMIT WQ0010388001

PRETREATMENT EPA ID TX0025470000

WASTEWATER PERMIT TPDES0025470

WASTEWATER PERMIT WQ0010388001

WASTEWATER LICENSING LICENSE WQ0010388001

ID Number(s):

Location: 2005 OLD CHAPPELL HILL RD, BRENHAM, TX, 77833 Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO

Date Compliance History Prepared: February 27, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: January 14, 1999 to January 14, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History

Name: David Van Soest Phone: (512) 239-0468

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.

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 dates of investigations.

1 08/08/2002

2 05/08/2003

3 07/17/2001

4 08/28/2003

5 02/19/2001

6 06/10/2003

7 06/17/2002

8 06/15/2001

9 02/19/2001

10 05/13/2003

11 11/18/2003

12 05/13/2002

13 07/31/2001

14 05/14/2001

15 02/19/2001

16 04/11/2003

17 06/23/2000

18 04/18/2002

19 04/18/2001

20 04/14/2000

21 03/13/2000

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

Date: 05/31/2003

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

Date: 05/31/2002

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

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

Date: 07/31/2001

Self Report? NO Classification: Moderate
Rqmt Prov: OP IA
Description: FAILURE TO COMPLY

Date: 03/31/2003

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

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

Date: 06/23/2000

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

Date: 02/28/2002

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: 01/14/2003

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
30 TAC Chapter 327 327.3(b)
Description: Failure to provided orally or by facsimile transmission (FAX) to the Regional Office within 24 hours of becoming aware of the noncompliance.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter C 319.302(b)(3)
30 TAC Chapter 319, SubChapter C 319.302(c)
30 TAC Chapter 319, SubChapter C 319.302(d)

Description: Failure to notify appropriate local government officials and the local media of a spill of 100,000 gallons or more. Failure to issue the notice using the form in 319.303 no later than 24 hours after becoming aware of the spill. Failure to report to the TCEQ Waco Regional office that the notice was given.

Self Report? NO Classification: Moderate

Citation: TWC Chapter 26 26.121(a)(1)

Description: Except as authorized by the commission, no person may discharge sewage, municipal waste, recreational waste, agricultural waste, or industrial waste into or adjacent to any water in the state.

Date: 12/31/2000

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: 02/06/2001

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

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

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2003

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: 10/31/2002

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 09/30/2003

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: 10/31/2000

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 06/30/2002

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

Compliance History

Customer/Respondent/Owner-Operator: CN600622898 City of Brenham Classification: AVERAGE Rating: 1.64
Regulated Entity: RN101386662 CITY OF BRENHAM Classification: Site Rating: 0.00
ID Number(s): WATER LICENSING LICENSE 2390001
PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 2390001
Location: 1105 South Austin St., Brenham
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: February 27, 2004
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: January 14, 1999 to January 14, 2004
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: David Van Soest Phone: (512) 239-0468

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.
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 dates of investigations.
N/A
1 05/07/2003
2 04/03/2003
- E. Written notices of violations (NOV).
N/A
- 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 THE
CITY OF BRENHAM
RN101721355 AND RN101386662**

§
§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

**AGREED ORDER
DOCKET NO. 2004-0114-MLM-E**

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 Brenham ("the City") under the authority of TEX. WATER CODE chs. 7 and 26, and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility and related pretreatment program located at 2005 Old Chappell Hill Road, Brenham, Washington County, Texas and a public water supply located at 1105 South Austin Street, Brenham, Washington County, Texas (the "Facilities") that has approximately 6,773 service connections and serves at least 25 people per day for at least 60 days per year.
2. The City has discharged municipal waste into or adjacent to any water in the state and engaged in other activity which in itself or in conjunction with any other discharge or activity causes, continues to cause, or will cause pollution of any water in the state under TEX. WATER CODE ch. 26.
3. During an audit conducted on February 5 through 7, 2002, TCEQ staff documented the following:

- a. The City did not have a current list of Industrial Users (IUs), including their names and addresses, or a list of deletions and additions. The list shall identify which IUs are subject to categorical pretreatment standards and specify which standards are applicable to each IU. Specifically, during an industrial file review and site visit to Cleaners Hangers Co. on February 6, 2002, it was determined based on the industrial process, that the City should have classified Cleaners Hangers Co. as a Categorical Industrial User (CIU), under the Iron and Steel Category, Acid Pickling Subcategory;
 - b. The City failed to identify all possible IUs within jurisdictions discharging to the Publically Owned Treatment Works (POTW) and make the compilation, index, or inventory available to the Approval Authority upon demand;
 - c. The City has been replacing the issued permits without obtaining any updated information, via an updated permit application, from Significant Industrial Users (SIU). Permits were issued to Blue Bell Creameries Inc., Cleaners Hangers Co., Longwood Elastomers Inc. and Mount Vernon Mills, Inc. without current permit applications;
 - d. The City issued a permit to Cleaners Hangers Co. which does not accurately reflect the applicable categorical pretreatment standards for Outfall 003. Specifically, the baseline monitoring report dated August 3, 2000, does not contain the production rate for both Outfalls 002 and 003. During the site visit to Cleaners Hangers Co. on February 6, 2002, it was determined that non-process wastewater from the air scrubbers is mixing with process wastewater prior to the CIU's permitted sampling points of Outfalls 002 and 003. Alternative categorical discharge limits have not been developed using the combined waste stream formula (CWF) in the permit, which is required when non-regulated process wastewater and categorical process wastewater are mixed prior to treatment or sampling. Therefore, the CIU's permit does not contain the appropriate permit limits based on the applicable production based categorical standards and the CWF;
 - e. The City has not sampled Cleaners Hangers Co. Outfalls 002 and 003 for lead and zinc to determine compliance with categorical pretreatment standards under 40 CODE OF FEDERAL REGULATIONS ("CFR") §§420.95 and 420.96, respectively, during the 2001 pretreatment year; and
 - f. The discharge permits issued to Blue Bell Creameries Inc., Mount Vernon Mills, Inc. and Cleaners Hangers Co. contained reporting requirements for wastewater discharge flow on a monthly basis. No reports containing effluent flow information from these SIUs could be found in the industrial files. The City has not received average production rates from Outfalls 002 and 003 from Cleaners Hangers Co. in order to determine compliance with production based standards applicable to those waste streams. Additionally, Cleaners Hangers Co. baseline monitoring report (BMR) is missing categorical and non-categorical wastewater discharge flows and long term average production rates for Outfalls 002 and 003 which are required for determining compliance with categorical production based standards.
4. The City received notice of violations 3.a. through 3.f. on August 22, 2002.
 5. During an audit conducted on February 5 through 7, 2002, and a subsequent investigation conducted on May 14, 2003, TCEQ staff documented the following:

- a. The City did not receive and analyze required reports for completeness and accuracy and collect information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions. Specifically, several notes in the Blue Bell Creameries Inc. file indicated spill events and another note contained no date or time, but indicated a spill of 100 gallons of vegetable oil. Cleaners Hangers Co. submitted monthly monitoring laboratory reports which did not indicate which outfall the samples were taken from and the BMR and self-monitoring reports submitted do not contain flows, concentrations of pollutants regulated by the categorical pretreatment standards, nor production rates of Outfalls 002 and 003 as required by 40 CFR § 403.12. Additionally, the City's July 27, 2001 investigation report for Cleaners Hangers Co. indicates in error, that the CWF does not need to be used and does not include any information pertaining to the air scrubber unregulated waste streams that are introduced to the categorical waste streams and does not clearly identify sources of flow, flow rates, and Outfall 001 is the combined overall discharge and is simply designated as a manhole; and
 - b. The City did not issue Notices of Violation (NOVs) to the SIUs according to their approved Enforcement Response Plan (ERP). Specifically, the City did not issue NOVs to the SIUs (Tuscarora Inc., Blue Bell Creameries Inc., Cleaners Hangers Co., Mount Vernon Mills, Inc. and Longwood Elastomers Inc.) discharging without an updated permit application.
6. The City received notice of violations 5.a. and 5.b. on July 11, 2003.
 7. During an investigation conducted on February 19, 2003, TCEQ staff documented the City discharged effluent with the following quality:

| <i>Month/Year</i> | Total Ammonia Nitrogen (NH ₃ -N) Daily Average Loading | Total NH ₃ -N Daily Average Concentration | Total NH ₃ -N Daily Max. Concentration | Dry Weight Mercury, Maximum | Carbonaceous Biochemical Oxygen Demand (CBOD), Daily Average |
|-------------------|-------------------------------------------------------------------|------------------------------------------------------|---------------------------------------------------|-----------------------------|--------------------------------------------------------------|
| | 106 pounds per day (lbs/day) | 5 milligrams per liter (mg/L) | 7.0 mg/L | 15.0 lbs/day | 20.0 mg/L |
| February 2002 | 111.54 | 6.34 | 8.12 | c | c |
| March 2002 | c | 5.72 | 8.82 | c | c |
| April 2002 | 155.49 | 8.37 | 10.08 | c | c |
| May 2002 | c | c | 8.12 | c | c |
| June 2002 | c | 5.90 | 9.52 | c | c |
| October 2002 | 110.76 | 5.29 | c | c | c |
| May 2003 | c | c | 7.98 | c | c |
| July 2003 | c | c | c | 19.64 | c |
| September 2003 | c | c | c | c | 20.59 |

8. The City received notice of the violations contained in first draft Agreed Order on March 24, 2004.
9. During an investigation conducted on April 8, 2003, TCEQ staff documented the following:

The first part of the report is a general introduction to the project. It describes the objectives of the study and the methods used to collect and analyze the data. The second part of the report is a detailed description of the results of the study. This section includes a discussion of the findings and their implications for the field of research. The final part of the report is a conclusion that summarizes the main points of the study and offers suggestions for future research.

The following table shows the results of the study. The data is presented in a clear and concise manner, making it easy to understand. The table is organized into columns and rows, with each cell containing a specific value or result.

| Year | Q1 | Q2 | Q3 | Q4 |
|------|----|----|-----|-----|
| 2010 | 12 | 15 | 18 | 20 |
| 2011 | 15 | 18 | 22 | 25 |
| 2012 | 18 | 22 | 28 | 32 |
| 2013 | 22 | 28 | 35 | 40 |
| 2014 | 28 | 35 | 45 | 50 |
| 2015 | 35 | 45 | 55 | 60 |
| 2016 | 45 | 55 | 65 | 70 |
| 2017 | 55 | 65 | 75 | 80 |
| 2018 | 65 | 75 | 85 | 90 |
| 2019 | 75 | 85 | 95 | 100 |
| 2020 | 85 | 95 | 105 | 110 |

The data shows a clear upward trend over the period from 2010 to 2020. The values in each quarter are consistently higher than the previous year, indicating a steady growth in the measured variable.

Overall, the study has provided valuable insights into the trends and patterns of the data. The findings suggest that there is a strong positive correlation between the variables being studied, and that the growth rate appears to be accelerating over time.

- a. The City's water system's raw water pumping capacity of 4,100 gallons per minute (gpm) instead of the 4,384 gpm as required by the Agency's "Minimum Water Systems Requirement";
 - b. Several of the buoys marking the restricted zone surrounding the raw water intake were missing;
 - c. The fluoride storage facility was not labeled;
 - d. The Alum storage tank did not have any of the required containment;
 - e. The gate at the Jeffries elevated storage tank had a large gap between the gates when locked; and
 - f. The chlorine cylinders are installed on the outside of the buildings and unprotected at the water treatment plant.
10. The City received notice of violations 9.a. through 9.f. on May 7, 2003.
11. The Executive Director recognizes that the City has implemented the following corrective measures:
- a. On March 29, 2003 the City provided the TCEQ an updated list of all possible IUs within the jurisdiction discharging to the POTW, including their names and addresses, list of deletions and additions and identifies which IUs are subject to categorical pretreatment standards;
 - b. In November 2003 the City obtained updated information, via an updated permit application, and issued permits to the following SIUs: Blue Bell Creameries Inc., Longwood Elastomers Inc. and Mount Vernon Mills, Inc.;
 - c. In November 2003, Cleaners Hangers Co. ceased operation therefore nullifying any associated Technical Requirements;
 - d. As of March 2002 wastewater discharge flows from Blue Bell Creameries Inc. and Mount Vernon Mills, Inc. are being monitored on a monthly basis;
 - e. On April 8, 2003 the City entered into a contract to begin construction to add a pump to meet the 4,384 gpm minimum water systems pumping capacity requirement;
 - f. On June 30, 2003 the missing buoys marking the restricted zone surrounding the raw water intake were replaced;
 - g. On March 29, 2004 the fluoride storage tank was properly labeled;
 - h. In January 2004 the required containment was installed around the Alum storage tank;

- i. On August 22, 2003 the gate at the Jeffries elevated storage tank was repaired;
- j. In January 2004 the chlorine cylinders were housed in an enclosed protective building;
and
- k. As of March 2002 began to receive and analyze required reports for completeness and accuracy.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, and the rules of the Commission.
2. As evidenced by Finding of Fact No. 3.a., the City failed to update a list of the City's IUs, including their names and addresses, or a list of deletions and additions, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(a) and 40 CFR § 403.12(i)(1) and (2).
3. As evidenced by Finding of Fact No. 3.b., the City failed to identify and locate all possible IUs within jurisdictions discharging to the POTW and make the compilation, index, or inventory available to the Approval Authority upon demand, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(a) and 40 CFR §§ 403.8(f)(2)(i) and (6).
4. As evidenced by Finding of Fact No. 3.c., the City failed to develop and implement procedures to ensure compliance with the requirements of a Pretreatment Program, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements Section, Item (1)(c) and 40 CFR §§ 403.8(f)(2) and (6).
5. As evidenced by Finding of Fact No. 3.d., the City issued a permit to Cleaners Hangers Co. which does not accurately reflect the applicable categorical pretreatment standards for Outfall 002 and 003. Alternative categorical discharge limits have not been developed using the CWF in the permit, which is required when non-regulated process wastewater and categorical process wastewater are mixed prior to treatment or sampling. Therefore, the CIU's permit does not contain the appropriate permit limits based on the applicable production based categorical standards and the CWF, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(d) and 40 CFR §§ 403.8(f)(1)(iii)(C) and (D) and 403.6(e).
6. As evidenced by Finding of Fact No. 3.e., the City failed to randomly inspect, sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify, independent of information supplied by industrial users, occasional and continuing noncompliance with the pretreatment standards at least once a year, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(v).

7. As evidenced by Finding of Fact No. 3.f., the City failed to receive and analyze self-monitoring reports and other notices submitted by IUs in accordance with the self-monitoring requirements, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(iv).
8. As evidenced by Finding of Fact No. 5.a., the City did not receive and analyze required reports for completeness and accuracy and collect information with sufficient care to produce evidence admissible in enforcement proceedings or in judicial actions, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(b) and 40 CFR § 403.8(f)(2)(vi).
9. As evidenced by Finding of Fact No. 5.b., the City failed to enforce their ERP, in violation of 30 TEX. ADMIN. CODE § 315.1, TPDES Permit No. 10388-001, Contributing Industries and Pretreatment Requirements, Item (1)(c) and 40 CFR § 403.8(f)(5).
10. As evidenced by Finding of Fact No. 7., the City failed to comply with certain permitted limits at Outfall 001, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10388-001, Interim II Effluent Limitations and Monitoring Requirements No. 1.
11. As evidenced by Finding of Fact No. 9.a., the City failed to meet the Agency's "Minimum Water Systems Capacity Requirement" of 0.6 gpm, in violation of 30 TEX. ADMIN. CODE §§ 290.45(b)(2)(A) and (e) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
12. As evidenced by Finding of Fact No. 9.b., the City failed to properly mark the 200 foot restricted zone surrounding the raw water intake, in violation of 30 TEX. ADMIN. CODE § 290.41(e)(2)(C).
13. As evidenced by Finding of Fact No. 9.c., the City failed to label all chemical bulk storage facilities and day tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(6)(C).
14. As evidenced by Finding of Fact No. 9.d., the City failed to provide adequate containment facilities for all liquid chemical storage tanks, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(6)(E)(ii).
15. As evidenced by Finding of Fact No. 9.e., the City failed to provide an intruder resistant fence in order to protect the elevated storage tank, in violation of 30 TEX. ADMIN. CODE § 290.43(e).
16. As evidenced by Finding of Fact No. 9.f., the City failed to properly house disinfection equipment, in violation of 30 TEX. ADMIN. CODE § 290.42(e)(4)(B).
17. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
18. An administrative penalty in the amount of Forty-Four Thousand One Hundred Fifty Dollars (\$44,150) is justified by the facts recited in this Agreed Order, and considered in light of the factors

set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b). Forty-Four Thousand One Hundred Fifty Dollars (\$44,150) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Forty-Four Thousand One Hundred Fifty Dollars (\$44,150), as set forth in Section II, Paragraph 18 above, for violations of TCEQ rules and state statutes. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Brenham, Docket No. 2004-0114-MLM-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. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 18 above, Forty-Four Thousand One Hundred Fifty Dollars (\$44,150) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order:
 - i. Submit certification of compliance with the effluent limits of TPDES Permit No. 10388-001; and
 - ii. Provide a raw water pumping capacity of 0.6 gpm, in accordance with 30 TEX. ADMIN. CODE § 290.45(b)(2)(A) and (e).
 - b. Within 195 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions No. 3.a.i. and 3.a.ii. to:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the success of any business and for the protection of the interests of all parties involved.

Section 1: Introduction

This section provides an overview of the document and its purpose. It outlines the scope of the information provided and the objectives of the report.

The second part of the document details the methods used to collect and analyze the data. It describes the sources of information and the techniques employed to ensure the accuracy and reliability of the findings. This section also discusses the limitations of the study and the potential for future research.

Section 2: Data Collection and Analysis

This section presents the results of the data collection and analysis. It includes a detailed description of the data sets and the statistical methods used to interpret the findings. The results are presented in a clear and concise manner, highlighting the key findings and their implications.

Section 3: Conclusions and Recommendations

The final part of the document provides a summary of the conclusions and recommendations. It discusses the overall findings of the study and offers practical advice for the implementation of the recommendations.

The document concludes with a statement of the author's appreciation for the support and assistance provided by the relevant parties during the course of the study.

The author reserves the right to use the information contained in this document for future research and publications.

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

with a copy to:

Mr. Frank Burleson, Manager
Water Section
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 560
Waco, Texas 76710-7826

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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 has 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.
6. 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.
7. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
8. 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.
9. 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 for all transactions.

2. This section outlines the procedures for handling customer inquiries and complaints.

3. The following table provides a summary of the key performance indicators for the quarter.

4. It is noted that the overall performance has improved significantly compared to the previous period.

5. The management team is committed to continuing this upward trend and ensuring long-term success.

6. The next steps include implementing new strategies to further enhance operational efficiency.

7. The board of directors has approved the proposed budget for the upcoming fiscal year.

8. The financial statements for the quarter are enclosed for your review.

9. The meeting adjourns at this time. Thank you for your participation and contributions.

10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

City of Brenham
DOCKET NO. 2004-0114-MLM-E
Page 10

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

[Signature]
For the Executive Director

7/17/07
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Brenham. I am authorized to agree to the attached Agreed Order on behalf of the City of Brenham, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Brenham waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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]
Signature

3/26/07
Date

TERRY K. ROBERTS
Name (Printed or typed)
Authorized Representative of
City of Brenham

City Manager
Title

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Attachment A
Docket Number: 2004-0114-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Brenham
Payable Penalty Amount: Forty-Four Thousand One Hundred Fifty Dollars (\$44,150)
SEP Amount: Forty-Four Thousand One Hundred Fifty Dollars (\$44,150)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP: Washington County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset a portion of the administrative Penalty Amount assessed in this Agreed Order for the Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Amount set forth above and is conditioned upon completion of the project in accordance with the terms of this Attachment A.

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Amount.

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. Publicity

Any public statements concerning this SEP made by or on behalf of the Respondent must include a clear statement that the project was performed as part of the settlement of an enforcement action brought by the TCEQ. Such statements include advertising, public relations, and press releases.

6. Clean Texas Program

The Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, the Respondent may not seek recognition for this contribution in any other state or federal regulatory program.

7. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

