

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0387-AIR-E **TCEQ ID:** RN100942259 **CASE NO.:** 32933

RESPONDENT NAME: City of Fort Worth

| | | |
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| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input 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 checked="" type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input 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 Fort Worth Village Creek WWTP, 4500 Wilma Lane, Arlington, Tarrant County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</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 this facility location.</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 July 30, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lindsey Jones, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4930; Mr. Steven Lopez, Enforcement Division, MC 219, (512) 239-1896 Respondent: Mr. Sebastian Fichera, Assistant Water Director, City of Fort Worth, 1000 Throckmorton Street, Fort Worth, Texas 76102; Mr. Marc A. Ott, Assistant City Manager, City of Fort Worth, 920 Fournier St., Fort Worth, Texas 76102 Respondent's Attorney: Not represented by counsel on this enforcement matter</p> | | |

VIOLATION SUMMARY CHART:

| VIOLATION INFORMATION | PENALTY CONSIDERATIONS | CORRECTIVE ACTIONS TAKEN/REQUIRED |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 12, 2007</p> <p>Date of NOE Relating to this Case: March 7, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. One violation was documented.</p> <p>AIR/WATER/WASTE</p> <p>Failure to submit an annual compliance certification no later than 30 days after the end of the certification period. Specifically, the annual compliance certification for the October 30, 2005 through October 29, 2006 period was due no later than November 28, 2006 but was not submitted until February 20, 2007 [30 TEX. ADMIN. CODE § 122.146(2), Federal Operating Permit No. O-01704, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b)].</p> | <p>Total Assessed: \$2,200</p> <p>Total Deferred: \$440 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$1,760</p> <p>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>Applicable Penalty Policy: September 2002</p> | <p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the City submitted a permit compliance certification for the October 30, 2005 to October 29, 2006 period on February 20, 2007 and has reassigned the environmental reporting responsibilities to the newly created Environmental, Health, and Safety Section.</p> |



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

| | | | | | | |
|--------------|-----------------|-------------|------------------|-------------|----------------|-------------|
| DATES | Assigned | 5-Mar-2007 | Screening | 13-Mar-2007 | EPA Due | 25-Nov-2007 |
| | PCW | 13-Mar-2007 | | | | |

| | |
|----------------------------------------|---------------------|
| RESPONDENT/FACILITY INFORMATION | |
| Respondent | City of Fort Worth |
| Reg. Ent. Ref. No. | RN100942259 |
| Facility/Site Region | 4-Dallas/Fort Worth |
| Major/Minor Source | Major |

| | | | |
|----------------------------------------|-----------------|--------------------------|-------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 32933 | No. of Violations | 1 |
| Docket No. | 2007-0387-AIR-E | Order Type | 1660 |
| Media Program(s) | Air Quality | Enf. Coordinator | Lindsey Jones |
| Multi-Media | | EC's Team | EnforcementTeam 5 |
| Admin. Penalty \$ Limit Minimum | \$0 | Maximum | \$10,000 |

Penalty Calculation Section

| | | |
|-------------------------------------------------------------|-------------------|----------------|
| TOTAL BASE PENALTY (Sum of violation base penalties) | Subtotal 1 | \$2,500 |
|-------------------------------------------------------------|-------------------|----------------|

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

| | | | |
|---------------------------|-----------------|--------------------------------|--------------|
| Compliance History | 13% Enhancement | Subtotals 2, 3, & 7 | \$325 |
|---------------------------|-----------------|--------------------------------|--------------|

Notes The penalty was enhanced due to one previous similar NOV and four previous non-similar NOV's.

| | | | | |
|--------------------|----|----------------|-------------------|------------|
| Culpability | No | 0% Enhancement | Subtotal 4 | \$0 |
|--------------------|----|----------------|-------------------|------------|

Notes The Respondent does not meet the culpability criteria.

| | | | |
|------------------------------------|---------------|-------------------|--------------|
| Good Faith Effort to Comply | 25% Reduction | Subtotal 5 | \$625 |
|------------------------------------|---------------|-------------------|--------------|

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

Notes The Respondent came into compliance on February 20, 2007.

| | | | | |
|-----------------------------------|-------|------------------------------------------|-------------------|------------|
| Total EB Amounts | \$3 | 0% Enhancement* | Subtotal 6 | \$0 |
| Approx. Cost of Compliance | \$250 | *Capped at the Total EB \$ Amount | | |

| | | |
|-----------------------------|-----------------------|----------------|
| SUM OF SUBTOTALS 1-7 | Final Subtotal | \$2,200 |
|-----------------------------|-----------------------|----------------|

| | | | |
|---------------------------------------------|--|-------------------|------------|
| 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 | \$2,200 |
|-----------------------------|----------------|

| | | |
|-----------------------------------|-------------------------------|----------------|
| STATUTORY LIMIT ADJUSTMENT | Final Assessed Penalty | \$2,200 |
|-----------------------------------|-------------------------------|----------------|

| | | | |
|-----------------|---------------|-------------------|---------------|
| DEFERRAL | 20% Reduction | Adjustment | -\$440 |
|-----------------|---------------|-------------------|---------------|

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

Notes

Deferral offered for expedited settlement.

| | |
|------------------------|----------------|
| PAYABLE PENALTY | \$1,760 |
|------------------------|----------------|

Screening Date 13-Mar-2007

Docket No. 2007-0387-AIR-E

PCW

Respondent City of Fort Worth

Case ID No. 32933

Policy Revision 2 (September 2002)

Reg. Ent. Reference No. RN100942259

PCW Revision January 9, 2007

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

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) | 1 | 5% |
| | Other written NOVs | 4 | 8% |
| 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% |

Please Enter Yes or No

| | | | |
|-------|-----------------------------------------------------------------------------------------------------------------------|----|----|
| Other | Environmental management systems in place for one year or more | No | 0% |
| | Voluntary on-site compliance assessments conducted by the executive director under a special assistance program | No | 0% |
| | Participation in a voluntary pollution reduction program | No | 0% |
| | Early compliance with, or offer of a product that meets future state or federal government environmental requirements | No | 0% |

Adjustment Percentage (Subtotal 2) 13%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty was enhanced due to one previous similar NOV and four previous non-similar NOVs.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 13%

Screening Date 13-Mar-2007

Docket No. 2007-0387-AIR-E

PCW

Respondent City of Fort Worth

Policy Revision 2 (September 2002)

Case ID No. 32933

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN100942259

Media [Statute] Air Quality

Enf. Coordinator Lindsey Jones

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code § 122.146(2), Federal Operating Permit No. O-01704, General Terms and Conditions, and Tex. Health & Safety Code § 382.085(b)

Violation Description

Failed to submit an annual compliance certification no later than 30 days after the end of the certification period, as documented in an investigation on February 12, 2007. Specifically, the annual compliance certification for the October 30, 2005 through October 29, 2006 period was due no later than November 28, 2006 but was not submitted until February 20, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

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

Percent 0%

>> Programmatic Matrix

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

Percent 25%

Matrix Notes

The Respondent failed to meet 100% of the rule requirement.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

84 Number of violation days

mark only one with an x

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

Violation Base Penalty \$2,500

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$3

Violation Final Penalty Total \$2,200

This violation Final Assessed Penalty (adjusted for limits) \$2,200

Economic Benefit Worksheet

Respondent City of Fort Worth
Case ID No. 32933
Reg. Ent. Reference No. RN100942259
Media Air Quality
Violation No. 1

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

| Item Description | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

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 | \$250 | 28-Nov-2006 | 20-Feb-2007 | 0.2 | \$3 | n/a | \$3 |
| Training/Sampling | | | | 0.0 | \$0 | n/a | \$0 |
| Remediation/Disposal | | | | 0.0 | \$0 | n/a | \$0 |
| Permit Costs | | | | 0.0 | \$0 | n/a | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | n/a | \$0 |

Notes for DELAYED costs

Estimated cost for preparation and submittal of permit compliance certification. Date Required is the last date the certification should have been submitted and Final Date is the date the certification was submitted.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$250

TOTAL

\$3

Compliance History

Customer/Respondent/Owner-Operator: CN600128862 City of Fort Worth Classification: AVERAGE Rating: 2.98
 Regulated Entity: RN100942259 CITY OF FORT WORTH VILLAGE Classification: AVERAGE Site Rating: 0.48
 CREEK WWTP

| | | | |
|---------------|------------------------|----------------------------|---------------|
| ID Number(s): | AIR OPERATING PERMITS | ACCOUNT NUMBER | TA0512K |
| | AIR OPERATING PERMITS | PERMIT | 1704 |
| | AIR NEW SOURCE PERMITS | PERMIT | 7553 |
| | AIR NEW SOURCE PERMITS | PERMIT | 46811 |
| | AIR NEW SOURCE PERMITS | PERMIT | 46812 |
| | AIR NEW SOURCE PERMITS | ACCOUNT NUMBER | TA0512K |
| | AIR NEW SOURCE PERMITS | AFS NUM | 4843900321 |
| | AIR NEW SOURCE PERMITS | REGISTRATION | 71648 |
| | PETROLEUM STORAGE TANK | REGISTRATION | 7527 |
| | REGISTRATION | | |
| | WASTEWATER | PERMIT | WQ001049401 |
| | WASTEWATER | PERMIT | WQ001049401 |
| | WASTEWATER | PERMIT | TPDES00047295 |
| | WASTEWATER | PERMIT | TX0047295 |
| | PRETREATMENT | PERMIT | WQ001049401 |
| | PRETREATMENT | EPA ID | TX0047295000 |
| | WASTEWATER LICENSING | LICENSE | WQ001049401 |
| | STORMWATER | PERMIT | TXR050332 |
| | IHW CORRECTIVE ACTION | SOLID WASTE REGISTRATION # | 65016 |
| | | (SWR) | |

Location: 4500 WILMA LN, ARLINGTON, TX, 76012 Rating Date: September 01 06 Repeat Violator: NO
 TCEQ Region: REGION 04 - DFW METROPLEX
 Date Compliance History Prepared: March 06, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: March 06, 2002 to March 06, 2007
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Lindsey Jones Phone: 512-239-4930

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

| | | | | | |
|----|------------|----------|----|------------|----------|
| 1 | 03/21/2002 | (182442) | 43 | 07/22/2004 | (356196) |
| 2 | 03/27/2002 | (125759) | 44 | 08/30/2004 | (356197) |
| 3 | 03/27/2002 | (125758) | 45 | 08/30/2004 | (275508) |
| 4 | 03/27/2002 | (110802) | 46 | 09/20/2004 | (356198) |
| 5 | 03/27/2002 | (110801) | 47 | 10/20/2004 | (356199) |
| 6 | 04/22/2002 | (182447) | 48 | 11/23/2004 | (356200) |
| 7 | 05/14/2002 | (182451) | 49 | 12/09/2004 | (384150) |
| 8 | 06/24/2002 | (182455) | 50 | 01/20/2005 | (384151) |
| 9 | 07/03/2002 | (3929) | 51 | 02/17/2005 | (384148) |
| 10 | 07/17/2002 | (182459) | 52 | 03/15/2005 | (384149) |
| 11 | 09/18/2002 | (182465) | 53 | 03/17/2005 | (372879) |
| 12 | 10/18/2002 | (182468) | 54 | 04/11/2005 | (377267) |
| 13 | 11/04/2002 | (15381) | 55 | 04/18/2005 | (422080) |
| 14 | 11/21/2002 | (182472) | 56 | 05/17/2005 | (422081) |
| 15 | 12/03/2002 | (246999) | 57 | 06/17/2005 | (422082) |
| 16 | 12/16/2002 | (182462) | 58 | 07/20/2005 | (442960) |
| 17 | 12/30/2002 | (182476) | 59 | 08/29/2005 | (395374) |
| 18 | 01/07/2003 | (20893) | 60 | 08/30/2005 | (442961) |
| 19 | 01/15/2003 | (21399) | 61 | 09/16/2005 | (442962) |
| 20 | 01/16/2003 | (182480) | 62 | 10/17/2005 | (472507) |
| 21 | 02/24/2003 | (182439) | 63 | 10/17/2005 | (472508) |
| 22 | 03/17/2003 | (182443) | 64 | 11/15/2005 | (472509) |
| 23 | 04/24/2003 | (182448) | 65 | 12/16/2005 | (472510) |
| 24 | 05/23/2003 | (182452) | 66 | 01/19/2006 | (472511) |
| 25 | 06/24/2003 | (182456) | 67 | 01/31/2006 | (451584) |
| 26 | 07/23/2003 | (305624) | 68 | 02/17/2006 | (472505) |
| 27 | 08/07/2003 | (147639) | 69 | 03/21/2006 | (472506) |
| 28 | 08/18/2003 | (146975) | 70 | 04/18/2006 | (500865) |
| 29 | 08/18/2003 | (146776) | 71 | 05/18/2006 | (500866) |
| 30 | 08/20/2003 | (305626) | 72 | 06/16/2006 | (500867) |
| 31 | 09/23/2003 | (305628) | 73 | 06/21/2006 | (466347) |
| 32 | 10/22/2003 | (305630) | 74 | 06/23/2006 | (483583) |
| 33 | 10/31/2003 | (249610) | 75 | 07/17/2006 | (523009) |
| 34 | 11/25/2003 | (305631) | 76 | 08/31/2006 | (523010) |
| 35 | 12/29/2003 | (305632) | 77 | 09/21/2006 | (523011) |
| 36 | 01/21/2004 | (305633) | 78 | 10/31/2006 | (513817) |
| 37 | 02/23/2004 | (305614) | 79 | 11/30/2006 | (497471) |
| 38 | 03/22/2004 | (305617) | 80 | 01/05/2007 | (486679) |
| 39 | 04/22/2004 | (305618) | 81 | 01/26/2007 | (537657) |
| 40 | 05/18/2004 | (305620) | 82 | 02/14/2007 | (540499) |
| 41 | 05/21/2004 | (271471) | 83 | 02/28/2007 | (540534) |
| 42 | 06/17/2004 | (305622) | | | |

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

| | | | | |
|--------------|--------------------------------------------------------------------------------------------------------------------------------------------------------|----------|-----------------|----------|
| Date | 12/03/2002 | (246999) | | |
| 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 | 09/01/2004 | (275508) | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.165(f) 5C THC Chapter 382, SubChapter A 382.085(b) | | | |
| Description: | Failure to sign the facility's Annual Compliance Certification with the signature of the designated Responsible Official. | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 112, SubChapter A 112.2(a) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.334(b) 5C THC Chapter 382, SubChapter A 382.085(b) | | | |
| Description: | Failure to collect, analyze, and record results of daily fuel sampling. | | | |
| Self Report? | NO | | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter E 115.412 5C THC Chapter 382, SubChapter A 382.085(b) | | | |
| Description: | Failure to maintain adequate freeboard in plant degreasers. | | | |

| | | | |
|--------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|----------|
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT Dc 60.48c(g) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to record and maintain records of the amounts of each fuel combusted during each day. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.334(b) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to collect, analyze, and record daily fuel analyses. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT GG 60.334(b) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to collect, analyze, and record daily fuel analyses. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 101, SubChapter A 101.20(1) 40 CFR Chapter 60, SubChapter C, PT 60, SubPT A 60.8(a) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to conduct the required performance testing, and provide a performance test report to the regulatory authority within the time specified. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 115, SubChapter E 115.412(1)(C) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to attach a permanent label summarizing the operating requirements to the degreasing units in a conspicuous location near the operator. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 122, SubChapter B 122.145(2)(B) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to submit a deviation reports, as required during the October 30, 2001 through April 30, 2002 deviation reporting period. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 112, SubChapter A 112.2(a) 5C THC Chapter 382, SubChapter A 382.085(b) | | |
| Description: | Failure to collect, analyze, and record results of daily fuel sampling. | | |
| Date | 03/10/2005 | | (372879) |
| Self Report? | NO | Classification: | Minor |
| Citation: | 30 TAC Chapter 317 317.4(a)(8) 30 TAC Chapter 317 317.7(i) | | |
| Description: | Failure to test the 2 RPZ backflow prevention devices at least once per year. | | |
| Self Report? | NO | Classification: | Moderate |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a)(1) TWC Chapter 26 26.121(a)(2) TWC Chapter 26 26.121(a)(3) TWC Chapter 26 26.121(a)[G] TWC Chapter 26 26.121(b) TWC Chapter 26 26.121(c) TWC Chapter 26 26.121(d) TWC Chapter 26 26.121(e) TWC Chapter 26 26.121[G] | | |
| Description: | Failure to prevent the discharge of sewage in the collection system. | | |
| Date | 06/30/2006 | | (523009) |
| 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 | 01/05/2007 | | (486679) |
| Self Report? | NO | Classification: | Major |
| Citation: | 30 TAC Chapter 315, SubChapter A 315.1 40 CFR Chapter 403, SubChapter N, PT 403 403.8(f)(5)[G] | | |
| Description: | Failure to escalate enforcement against a noncompliant industrial user to obtain compliance. Failure to randomly sample and analyze effluent from IUs to identify industries in significant noncompliance. | | |

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF FORT WORTH
RN100942259**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0387-AIR-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Fort Worth ("the City") under the authority of TEX. HEALTH & SAFETY CODE ch. 382 and TEX. WATER CODE ch. 7. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant at 4500 Wilma Lane in Arlington, Tarrant County, Texas (the "Plant").
2. The Plant consists of one or more sources as defined in TEX. HEALTH & SAFETY CODE § 382.003(12).
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about March 12, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Two Thousand Two Hundred Dollars (\$2,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid One Thousand Seven Hundred Sixty Dollars (\$1,760) of the administrative

penalty and Four Hundred Forty Dollars (\$440) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City submitted a permit compliance certification for the October 30, 2005 to October 29, 2006 period on February 20, 2007 and has reassigned the environmental reporting responsibilities to the newly created Environmental, Health, and Safety Section.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Plant, the City is alleged to have failed to timely submit an annual compliance certification no later than 30 days after the end of the certification period, in violation of 30 TEX. ADMIN. CODE § 122.146(2), Federal Operating Permit No. O-01704, General Terms and Conditions, and TEX. HEALTH & SAFETY CODE § 382.085(b), as documented during a record review conducted on February 12, 2007.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Fort Worth, Docket No. 2007-0387-AIR-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 provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Plant operations referenced in this Agreed Order.
3. 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.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

MEMORANDUM FOR THE RECORD

On 10/10/2014, the following information was received from the [redacted] regarding the [redacted] of the [redacted] on 10/10/2014. The [redacted] was [redacted] by [redacted] and [redacted]. The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted].

[redacted]
[redacted]
[redacted]
[redacted]

The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted].

The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted].

The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted].

The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted]. The [redacted] was [redacted] and [redacted].

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

7/25/07

Date

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

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

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

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



Signature

3.13.07

Date

Marc A. Ott

Name (Printed or typed)
Authorized Representative of
City of Fort Worth

Assistant City Manager

Title

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

