

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-0303-MWD-E **TCEQ ID:** RN101609741 **CASE NO.:** 32829

RESPONDENT NAME: City of Crockett

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 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 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: Domestic wastewater treatment facility, west bank of Town Branch, approximately 2,000 feet north of the intersection of the Missouri-Pacific Railroad with State Loop 304, Houston County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: No complaints were received. 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 June 18, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Libby Hogue, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-1165; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: Mr. Ronald Duncan, City Administrator, City of Crockett, 200 North Fifth Street, Crockett, Texas 75835 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 of Complaint Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: February 6, 2007</p> <p>Date of NOE Relating to this Case: February 20, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failed to comply with the permitted effluent limitations, as documented during a record review conducted on February 6, 2007. [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10154001, Effluent Limitations and Monitoring Requirements No.1].</p>	<p>Total Assessed: \$4,350</p> <p>Total Deferred: \$870 <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: \$3,480</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 Respondent has implemented the following corrective measures at the Facility:</p> <p>a. In April 2006, replaced eight aerators at the facility at a cost of ninety thousand dollars;</p> <p>b. In June 2006, one of two clarifiers was overhauled with parts replaced being the turntable, two dual skimming arms, the gearboxes, the concrete laundry trough, the Fiberglass V-notch wiers and the sludge rakes;</p> <p>c. In October 2006, hired more qualified staff to operate the North Plant facility; and</p> <p>d. On October 31, 2006, the City came into compliance with their permitted effluent limits.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

TCEQ

DATES	Assigned	26-Feb-2007	Screening	28-Feb-2007	EPA Due	5-Jun-2007
	PCW	1-Mar-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Crockett		
Reg. Ent. Ref. No.	RN101609741		
Facility/Site Region	10-Beaumont	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	32829	No. of Violations	1
Docket No.	2007-0303-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Libby Hogue
Multi-Media		EC's Team	Enforcement Team 4
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability Enhancement **Subtotal 4**

Notes

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input checked="" type="checkbox"/>	<input type="checkbox"/>
N/A	<input type="checkbox"/>	(mark with x)

Notes

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

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

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL Reduction **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 28-Feb-2007

Docket No. 2007-0303-MWD-E

PCW

Respondent City of Crockett

Policy Revision 2 (September 2002)

Case ID No. 32829

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101609741

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

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)	19	95%
	Other written NOVs	2	4%
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 judgments 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) 99%

>> 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

Eighteen months of self-report effluent violations, one NOV for same or similar violations and two NOVs for non-similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 99%

Screening Date 28-Feb-2007

Docket No. 2007-0303-MWD-E

PCW

Respondent City of Crockett

Policy Revision 2 (September 2002)

Case ID No. 32829

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN101609741

Media [Statute] Water Quality

Enf. Coordinator Libby Hogue

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10154001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description Failed to comply with the permitted effluent limitations. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 25%

>> Programmatic Matrix

Falsification	10/31/2006	Moderate	Minor

Percent 0%

Matrix Notes

A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Carbonaceous Biochemical Oxygen Demand, and Flow were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1

61 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$8

Violation Final Penalty Total \$4,350

This violation Final Assessed Penalty (adjusted for limits) \$4,350

Economic Benefit Worksheet

Respondent: City of Crockett
Case ID No.: 32829
Reg. Ent. Reference No.: RN101609741
Media: Water 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				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	31-Aug-2006	31-Oct-2006	0.2	\$8	n/a	\$8

Notes for DELAYED costs
 The estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. Date required is the date the noncompliance started and the final date is the date the respondent came into 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/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
 (Empty box for notes)

Approx. Cost of Compliance \$1,000 **TOTAL** \$8

ATTACHMENT

Effluent Violation Table
 City of Crockett North Wastewater Treatment Plant
 TPDES Permit No. 10154001 (Outfall 001A)
 Docket No. 2007-0303-MWD-E

Permitted Effluent Limits	Monitoring Period End Date	
	08/31/06	09/30/06
NH ₃ -N Daily Avg. 2 mg/L	2.9	5.2
NH ₃ -N Daily Avg. 10 mg/L	C	10.1

Avg. = average

NH₃-N = ammonia nitrogen

mg/L = milligrams per liter

C = Compliant

Compliance History

Customer/Respondent/Owner-Operator:	CN600251870	City of Crockett	Classification: AVERAGE	Rating: 0.69
Regulated Entity:	RN101609741	NORTH PLANT	Classification: AVERAGE	Site Rating: 1.64
ID Number(s):	WASTEWATER	PERMIT	WQ0010154001	
	WASTEWATER	PERMIT	TPDES0070831	
	WASTEWATER	PERMIT	TX0070831	
	WASTEWATER LICENSING	LICENSE	WQ0010154001	
Location:	West bank of the Town Branch; aprx. 2,000 ft. N. of the intersection of the Missouri-Pacific Railroad with State Loop 304 in Houston County, Texas.		Rating Date: September 01 06	Repeat Violator: NO

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: February 27, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: February 26, 2002 to February 26, 2007

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

Name: Libby Hogue Phone: 512-239-1165

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 | 03/25/2002 | (196996) |
| 2 | 05/02/2002 | (197001) |
| 3 | 05/30/2002 | (197005) |
| 4 | 06/24/2002 | (197009) |
| 5 | 07/25/2002 | (197013) |
| 6 | 08/19/2002 | (3695) |
| 7 | 08/21/2002 | (197017) |
| 8 | 09/26/2002 | (197020) |
| 9 | 10/23/2002 | (197023) |
| 10 | 11/18/2002 | (197027) |
| 11 | 11/19/2002 | (13240) |
| 12 | 11/20/2002 | (17180) |
| 13 | 12/27/2002 | (197031) |
| 14 | 01/27/2003 | (197035) |
| 15 | 03/04/2003 | (196994) |
| 16 | 03/27/2003 | (196997) |
| 17 | 04/24/2003 | (197002) |

18 05/30/2003 (197006)
 19 06/09/2003 (197014)
 20 06/30/2003 (197010)
 21 09/22/2003 (311893)
 22 09/25/2003 (311891)
 23 10/20/2003 (311895)
 24 11/10/2003 (248927)
 25 11/17/2003 (311896)
 26 12/22/2003 (311897)
 27 12/22/2003 (311898)
 28 03/04/2004 (311881)
 29 03/15/2004 (264835)
 30 03/29/2004 (311883)
 31 04/22/2004 (311884)
 32 05/24/2004 (311886)
 33 06/28/2004 (311888)
 34 07/30/2004 (358767)
 35 08/25/2004 (358768)
 36 09/16/2004 (358769)
 37 10/25/2004 (358770)
 38 11/22/2004 (358771)
 39 12/20/2004 (385543)
 40 12/20/2004 (385544)
 41 02/22/2005 (385542)
 42 03/31/2005 (423562)
 43 04/11/2005 (423563)
 44 05/26/2005 (423564)
 45 06/27/2005 (423565)
 46 07/13/2005 (398989)
 47 07/21/2005 (444368)
 48 08/24/2005 (444369)
 49 09/23/2005 (444370)
 50 10/24/2005 (474923)
 51 12/01/2005 (474924)
 52 12/19/2005 (474925)
 53 01/09/2006 (474926)
 54 02/21/2006 (474920)
 55 03/24/2006 (474921)
 56 04/17/2006 (474922)
 57 05/30/2006 (502572)
 58 06/08/2006 (502574)
 59 06/19/2006 (502573)
 60 07/12/2006 (483311)
 61 08/01/2006 (489197)
 62 08/16/2006 (524894)
 63 02/22/2007 (539569)

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

Date 02/28/2002 (196996)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/23/2002 (3695)
 Self Report? NO Classification: Minor
 Rqmt Prov: OP 10154-001
 Description: Failure by the City of Crockett to ensure that test procedures for the
 analysis of pollutants shall comply with procedures specified in 30 TAC
 Self Report? NO Classification: Minor
 Rqmt Prov: OP 10154-001
 Description: Failure by the City of Crockett to comply with test procedures specified in
 30 TAC 319.11 - 319.12 for the analysis of pollutants.
 Self Report? NO Classification: Moderate
 Rqmt Prov: OP 10154-001

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

Self Report? NO Classification: Minor

Rqmt Prov: OP 10154-001

Description: Failure by the City of Crockett to include monitoring results, in the DMR, of pH and dissolved oxygen that is analyzed more frequently than required by

Self Report? NO Classification: Moderate

Rqmt Prov: OP 10154-001

Description: Failure by the City of Crockett North treatment plant to ensure that all automatic flow measuring devices are accurately calibrated.

Date 10/31/2002 (197027)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 11/30/2002 (197031)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 02/28/2003 (196997)

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 06/30/2003 (197014)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 08/31/2003 (311893)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]

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

Date 11/10/2003 (248927)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.2[G]

Rqmt Prov: PERMIT WQ0010154-001

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]

Rqmt Prov: PERMIT WQ0010154-001

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

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)(4)(B)[G]

Rqmt Prov: PERMIT WQ0010154-001

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

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]

Rqmt Prov: PERMIT WQ0010154-001

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

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT WQ0010154-001

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

Date 11/30/2003 (311897)
 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 04/30/2004 (311886)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/31/2004 (358769)
 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 10/31/2004 (358771)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 12/31/2004 (385544)
 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 05/31/2005 (423565)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2005 (444368)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 08/31/2005 (444370)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 09/30/2005 (474923)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2005 (474925)
 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 07/12/2006 (483311)
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OT 1
 Description: Failure by the City of Crockett to employ an individual with a valid
 wastewater collection system operator license to oversee the wastewater
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR1
 Description: Failure by the City of Crockett to ensure that all systems of collection,
 treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection,
 treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1

Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to properly manage the solids inventory within the wastewater treatment plant.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 335, SubChapter A 335.4[G]
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT PC 2g
 Description: Failure by the City of Crockett to prevent unauthorized discharges into or adjacent to the waters of the state.
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT EL&MR 1 and 3
 Description: Failure by the City of Crockett to discharge effluent that is compliant with permitted limitations.
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT M&RR 3C
 Description: Failure by the City of Crockett to maintain a complete pH meter calibration
 Self Report? NO Classification: Moderate
 Rqmt Prov: PERMIT OpR 1
 Description: Failure by the City of Crockett to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date 08/31/2006

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

Date 09/30/2006

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

- 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 CROCKETT
RN101609741**

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

**AGREED ORDER
DOCKET NO. 2007-0303-MWD-E**

I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a domestic wastewater treatment facility located on the west bank of Town Branch; approximately 2,000 feet north of the intersection of the Missouri-Pacific Railroad with State Loop 304 in Houston County, Texas (the "Facility").
2. The City has committed any other act or engaged in any 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. 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 February 25, 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.

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the specific procedures and protocols that must be followed to ensure compliance with all applicable laws and regulations.

3. The third part of the document provides a detailed overview of the various roles and responsibilities of all staff members, ensuring that everyone is clear on their duties and how they contribute to the overall success of the organization.

4. The fourth part of the document discusses the importance of ongoing training and development for all employees, highlighting the need for continuous learning and skill enhancement to stay competitive in the market.

5. The fifth part of the document concludes with a strong statement of commitment to excellence and a call to action for all employees to work together towards achieving the organization's goals.

6. An administrative penalty in the amount of Four Thousand Three Hundred Fifty Dollars (\$4,350) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Three Thousand Four Hundred Eighty Dollars (\$3,480) of the administrative penalty and Eight Hundred Seventy Dollars (\$870) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. In April 2006, replaced eight aerators at the Facility at a cost of ninety thousand dollars;
 - b. In June 2006, one of two clarifiers was overhauled with parts replaced being the turntable, two dual skimming arms, the gearboxes, the concrete laundry trough, the Fiberglass V-notch wiers and the sludge rakes;
 - c. In October 2006, hired more qualified staff to operate the North Plant Facility; and
 - d. On October 31, 2006, the City came into compliance with their permitted effluent limits.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with the permitted effluent limitations, as documented during a record review conducted on February 6, 2007, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10154001, Effluent Limitations and Monitoring Requirements No. 1 as indicated in the table below.

Effluent Violation Table City of Crockett North Wastewater Treatment Facility TPDES Permit No. 10154001 (Outfall 001A)		
Permitted Effluent Limits	Monitoring Period End Date	
	08/31/06	09/30/06
NH ₃ -N Daily Avg. 2 mg/L	2.9	5.2
NH ₃ -N Daily Avg. 10 mg/L	C	10.1

Avg. = average
NH ₃ = ammonia nitrogen
mg/L = milligrams per liter
C = Compliant

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 Crockett, Docket No. 2007-0303-MWD-E" to:

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

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
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.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

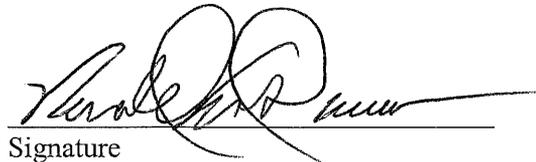
Date 8/9/2007

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

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

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

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



Signature

Date 04/11/07

Ronald Duncan

City Administrator

Name (Printed or typed)
Authorized Representative of
City of Crockett

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.

