

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2006-1802-MWD-E TCEQ ID: RN101920288 CASE NO.: 31461**

**RESPONDENT NAME: City of Junction**

<b>ORDER TYPE:</b>		
<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	

<b>CASE TYPE:</b>		
<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

**SITE WHERE VIOLATION(S) OCCURRED:** City of Junction, 120 Shady River Drive, Junction, Kimble County

**TYPE OF OPERATION:** Lift station

**SMALL BUSINESS:**  Yes  No

**OTHER SIGNIFICANT MATTERS:** A complaint was received on August 7, 2006, alleging that a City of Junction lift station was overflowing directly into the complainant's water well. There is no record of additional pending enforcement actions regarding this facility location.

**INTERESTED PARTIES:** A complaint was received, but the complainant has not expressed a desire to protest this action or to speak at Agenda.

**COMMENTS RECEIVED:** The *Texas Register* comment period expired on May 14, 2007. No comments were received.

**CONTACTS AND MAILING LIST:**

**TCEQ Attorney/SEP Coordinator:** Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223

**TCEQ Enforcement Coordinator:** Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC 149, (512) 239-1203; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

**Respondent:** The Honorable Alan Herring, Mayor, City of Junction, 730 Main Street, Junction, Texas 76849

**Respondent's Attorney:** Not represented by counsel on this enforcement matter

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input checked="" type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input type="checkbox"/> Records Review</p> <p><b>Date of Complaint Relating to this Case:</b>                      August 7, 2006</p> <p><b>Date of Investigation Relating to this Case:</b>                      August 10, 2006</p> <p><b>Date of NOE Relating to this Case:</b> October 4, 2006 (NOE)</p> <p><b>Background Facts:</b> This was a complaint investigation. Two violations were documented.</p> <p><b>WATER</b></p> <p>1) Failed to prevent an unauthorized discharge of approximately 1000 gallons of raw sewage from the collection system on August 7, 2006. Specifically, the unauthorized discharge infiltrated a private well that was not being used for drinking water [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. 10199001, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to provide an operational audiovisual alarm at the lift station [30 TEX. ADMIN. CODE § 317.3(e)(5)].</p>	<p><b>Total Assessed:</b> \$11,550</p> <p><b>Total Deferred:</b> \$2,310  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$9,240</p> <p><b>Total Paid (Due) to General Revenue:</b> \$0</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>1) The Executive Director recognizes that the City has implemented the following corrective measures at the Site:</p> <p>a. On August 8, 2006, the affected residence was tied into the City's water lines and the well was capped;</p> <p>b. On August 10, 2006, the Site was disinfected and all solids were removed and properly disposed of by the City; and</p> <p>c. On October 10, 2006, installation of an audio and visual alarm was completed at the Site.</p> <p><b>Ordering Provisions:</b></p> <p>2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>

**Attachment A**  
**Docket Number: 2006-1802-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Junction  
**Penalty Amount:** Nine Thousand Two Hundred Forty Dollars (\$9,240)  
**SEP Offset Amount:** Nine Thousand Two Hundred Forty Dollars (\$9,240)  
**Type of SEP:** Custom (with pre-approved concept)  
**Location of SEP:** Kimble County

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

**1. Project Description**

A. Project

The Respondent shall hold two citywide collection events in which citizens may bring in tires, electronics, household hazardous waste (“HHW”), and large municipal solid waste for disposal at no cost to the citizens. The Respondent shall provide a drop-off location where citizens may bring these items for collection and proper disposal. The Respondent shall provide attendants at the collection station to assist the public and will use a licensed contractor to dispose of the wastes. The Respondent has agreed to provide public notification prior to the event to ensure that the public is aware of the event.

The first event shall be for the collection of used tires, metal, and large debris. The second event shall be for used tires, metal, HHW, electronics and other debris. Both events shall:

- occur within one year of the effective date of the Order;
- offer to the public a drop-off location convenient to the public;
- be organized and conducted by City employees and by a licensed disposal contractor;
- be advertised in a newspaper of large circulation in the geographic area.

The Respondent shall perform these events in accordance with all federal, state and local laws and regulations. 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. Expenses

The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the events, and no portion shall be spent on administrative costs. Specifically, SEP monies may be used for heavy equipment



including roll-off bins, trailers, overtime labor of employees, public announcement of the event, and disposal fees. The Respondent labor is subject to overtime rate requirements and equipment use is reimbursable only at the rates established by the Federal Emergency Management Agency (FEMA), or fair market value if FEMA rates do not apply. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

D. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a safe and convenient method for the proper disposal of used tires, large bulk wastes, computer equipment, and hazardous chemicals that can leach chemicals into the soil, water, and air, if illegally dumped, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

**2. Performance Schedule**

Within one year after the effective date of this Agreed Order, the Respondent shall have completed the project and submitted all reports described below.

**3. Reporting**

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. There are no required interim milestones for the collection events.

B. Final Report

Within 45 days after completion of the project, the Respondent shall submit a report to the TCEQ, which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of pounds and/or gallons of wastes collected;
5. Manifests for the proper disposal of all wastes, including hazardous wastes, in compliance with applicable hazardous waste transport and disposal regulations;
6. Photographs of the project; and
7. Any additional information Respondent believes will demonstrate compliance with this Attachment A.



C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

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

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. 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.

**7. Clean Texas Program**

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



**8. 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 orders negotiated with the TCEQ or any other agency of the state or federal government.





Policy Revision 2 (September 2002)

# Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned	09-Oct-2006	Screening	15-Oct-2006	EPA Due	
	PCW	15-Oct-2006				

<b>RESPONDENT/FACILITY INFORMATION</b>	
Respondent	City of Junction
Reg. Ent. Ref. No.	RN101920288
Facility/Site Region	8-San Angelo
Major/Minor Source	Minor Source

<b>CASE INFORMATION</b>			
Enf./Case ID No.	31461	No. of Violations	2
Docket No.	2006-1802-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Brent Hurta
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

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

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

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

**Compliance History** 240% Enhancement **Subtotals 2, 3, & 7**

Notes

**Culpability** 0% Enhancement **Subtotal 4**

Notes

**Good Faith Effort to Comply** 10% Reduction **Subtotal 5**

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with a small x)

Notes

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

Total EB Amounts	\$18	<small>*Capped at the Total EB \$ Amount</small>
Approx. Cost of Compliance	\$2,000	

**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** 20% 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** 15-Oct-2006 **Docket No.** 2006-1802-MWD-E **PCW**  
**Respondent** City of Junction *Policy Revision 2 (September 2002)*  
**Case ID No.** 31461 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101920288  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Brent Hurta

**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 ( <i>number of NOVs meeting criteria</i> )	44	220%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability ( <i>number of orders meeting criteria</i> )	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government ( <i>number of judgements or consent decrees meeting criteria</i> )	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government ( <i>number of counts</i> )	0	0%
Emissions	Chronic excessive emissions events ( <i>number of events</i> )	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 ( <i>number of audits for which violations were disclosed</i> )	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

**Adjustment Percentage (Subtotal 2)** 240%

>> **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** Enhancement due to 44 prior NOVs with same or similar violations and one Agreed Order.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 240%

**Screening Date** 15-Oct-2006 **Docket No.** 2006-1802-MWD-E **PCW**  
**Respondent** City of Junction *Policy Revision 2 (September 2002)*  
**Case ID No.** 31461 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101920288  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Brent Hurta  
**Violation Number** 1  
 30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System Permit No. WQ0010199001, Permit Conditions No. 2.g.  
**Primary Rule Cite(s)**  
**Secondary Rule Cite(s)** Tex. Water Code § 26.121(a)  
**Violation Description**  
 Failure to prevent an unauthorized discharge of approximately 1000 gallons of raw sewage from the collection system on August 7, 2006, as documented on August 10, 2006. Specifically, the unauthorized discharge infiltrated a private well, not used for drinking water.

**Base Penalty** \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent 25%
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes: Human health or the environment has been exposed to significant amounts of pollutants as a result of this violation.

**Adjustment** -\$7,500

**Base Penalty Subtotal** \$2,500

**Violation Events**

Number of Violation Events 1

mark only one use a small x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	X

**Violation Base Penalty** \$2,500

One single event is recommended for the August 7, 2006 unauthorized discharge.

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

**Statutory Limit Test**

Estimated EB Amount \$0

**Violation Final Penalty Total** \$8,250

**This violation Final Assessed Penalty (adjusted for limits)** \$8,250

### Economic Benefit Worksheet

Respondent City of Junction  
 Case ID No. 31461  
 Reg. Ent. Reference No. RN101920288  
 Media [Statute] Water Quality  
 Violation No. 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
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	07-Aug-2006	10-Aug-2006	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: Cost is estimate for the removal of sewage from the ditch to an authorized disposal site. Date required is the date of the unauthorized discharge and the final date is the compliance date.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance  TOTAL

**Screening Date** 15-Oct-2006 **Docket No.** 2006-1802-MWD-E **PCW**  
**Respondent** City of Junction *Policy Revision 2 (September 2002)*  
**Case ID No.** 31461 *PCW Revision May 19, 2005*  
**Reg. Ent. Reference No.** RN101920288  
**Media [Statute]** Water Quality  
**Enf. Coordinator** Brent Hurta  
**Violation Number**   
**Primary Rule Cite(s)**   
**Secondary Rule Cite(s)**   
**Violation Description**   
**Base Penalty**

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
	Potential	<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

**Violation Events**

Number of Violation Events

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

Violation Base Penalty

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

Estimated EB Amount

**Statutory Limit Test**

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

### Economic Benefit Worksheet

Respondent City of Junction  
 Case ID No. 31461  
 Reg. Ent. Reference No. RN101920288  
 Media [Statute] Water Quality  
 Violation No. 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
<b>Delayed Costs</b>							
Equipment	\$1,500	10-Aug-2006	10-Oct-2006	0.2	\$1	\$17	\$18
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: Estimate for the installation of an operational audiovisual alarm system. Date required is the investigation date and final date is the date of compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$1,500** TOTAL **\$18**

# Compliance History

Customer/Respondent/Owner-Operator: CN600253058 City of Junction Classification: AVERAGE Rating: 4.21  
 Regulated Entity: RN101920288 CITY OF JUNCTION Classification: AVERAGE Site Rating: 3.03

ID Number(s): WASTEWATER PERMIT WQ0010199001  
 WASTEWATER PERMIT TPDES0021075  
 WASTEWATER PERMIT TX0021075  
 WASTEWATER LICENSING LICENSE WQ0010199001  
 Location: 120 SHADY RIVER DRIVE, JUNCTION, KIMBLE COUNTY Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 08 - SAN ANGELO  
 Date Compliance History Prepared: November 14, 2006  
 Agency Decision Requiring Compliance History: Enforcement  
 Compliance Period: November 14, 2001 to November 14, 2006

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

Name: Brent Hurta Phone: 512-239-6589

## 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 Effective Date: 07/21/2002 ADMINORDER 2000-1293-MWD-E  
 Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121  
 Rqmt Prov: Not specified PERMIT  
 Description: Failure to meet permitted effluent limits for biochemical oxygen demand of 30 mg/l during the months of 12/99, Jan, Feb, March 2000. and Feb. Mar. Apr. May 2001.
- 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  | 05/27/2003 | (163393) |
| 2  | 05/17/2002 | (163392) |
| 3  | 04/22/2003 | (163389) |
| 4  | 04/16/2002 | (163388) |
| 5  | 06/18/2004 | (276618) |
| 6  | 02/21/2006 | (469176) |
| 7  | 03/21/2006 | (469177) |
| 8  | 07/11/2003 | (140711) |
| 9  | 03/27/2003 | (163384) |
| 10 | 03/21/2002 | (163383) |
| 11 | 10/03/2005 | (469178) |
| 12 | 07/20/2004 | (353022) |
| 13 | 08/16/2004 | (353023) |
| 14 | 09/17/2004 | (353024) |
| 15 | 10/22/2004 | (353025) |
| 16 | 02/26/2003 | (163381) |
| 17 | 11/23/2004 | (353026) |

18 01/28/2003 (163422)  
 19 04/28/2005 (420161)  
 20 02/19/2002 (163380)  
 21 05/17/2005 (420162)  
 22 01/15/2002 (163421)  
 23 10/24/2005 (469179)  
 24 06/22/2005 (420163)  
 25 07/13/2005 (420164)  
 26 11/22/2005 (469180)  
 27 04/24/2006 (498693)  
 28 02/23/2004 (297526)  
 29 12/30/2002 (163418)  
 30 05/26/2006 (498694)  
 31 02/22/2005 (382302)  
 32 12/17/2001 (163417)  
 33 12/21/2005 (469181)  
 34 06/26/2006 (498695)  
 35 08/25/2005 (441260)  
 36 04/12/2004 (297529)  
 37 02/14/2005 (349345)  
 38 03/25/2005 (382303)  
 39 04/20/2004 (297530)  
 40 01/30/2006 (469182)  
 41 12/20/2004 (382304)  
 42 01/28/2005 (382305)  
 43 11/25/2002 (163414)  
 44 05/25/2004 (297532)  
 45 11/26/2001 (163413)  
 46 06/16/2004 (297534)  
 47 11/01/2002 (287469)  
 48 11/01/2002 (163410)  
 49 09/19/2002 (163407)  
 50 08/18/2003 (297537)  
 51 09/18/2003 (297539)  
 52 10/21/2003 (297541)  
 53 08/20/2002 (163404)  
 54 11/25/2003 (297542)  
 55 08/07/2006 (487164)  
 56 12/18/2003 (297543)  
 57 02/27/2006 (453144)  
 58 07/14/2003 (163401)  
 59 01/20/2004 (297544)  
 60 07/16/2002 (163400)  
 61 06/20/2003 (163397)  
 62 06/18/2002 (163396)

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

Date: 04/30/2003 (163393)  
 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 (163392)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2003 (163389)  
 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 (163388)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2006 (469176)

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 (163384)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/28/2002 (163383)

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: 02/28/2006 (469177)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2003 (163381)

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: 02/14/2005 (349345)

Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to meet permit limitations for 5-day biochemical oxygen demand (BOD5) daily average, total suspended solids (TSS) daily average, and pH maximum.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)  
 Description: Failure to monitor and record influent flow.  
 Date: 12/31/2002 (163422)

Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]  
 Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2002 (163380)

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: 12/31/2001 (163421)

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: 03/31/2005 (420161)

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 (469178)  
 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: 04/30/2005 (420162)  
 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: 02/27/2006 (453144)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to meet permit limitations for 5-day biochemical oxygen demand (BOD5) daily average, total suspended solids (TSS) daily average, and pH maximum.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)  
 TWC Chapter 26 26.121  
 Rqmt Prov: PERMIT IA  
 Description: Failure to prevent an unauthorized discharge from the sewage collection system.

Date: 07/31/2005 (441260)  
 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: 07/11/2003 (140711)  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to maintain flow meter calibration so as to ensure accurate measurements.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to meet permit limitations for 5-day biochemical oxygen demand (BOD5) daily average, total suspended solids (TSS) daily average, and pH maximum.  
 Self Report? NO Classification: Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Rqmt Prov: PERMIT IA  
 Description: Failure to submit an annual report for bulk sewage sludge applied to the land to the TCEQ Region Office (MC Region 8) by September 1, 2002.

Date: 11/30/2002 (163418)  
 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: 11/30/2001 (163417)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2006 (498693)  
 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: 04/30/2006 (498694)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date: 01/31/2005 (382302)  
 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: 05/31/2006 (498695)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date: 02/29/2004 (297529)  
 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: 02/28/2005 (382303)  
 Self Report? YES Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter  
 Date: 03/31/2004 (297530)  
 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 (382305)  
 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: 06/18/2004 (276618)  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA  
 Description: Failure to meet permit limitations for 5-day biochemical oxygen demand (BOD5) daily average, total suspended solids (TSS) daily average, and pH maximum.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: PERMIT IA  
 Description: Failure to meet the maximum pH final effluent limit for a grab sample.  
 Self Report? NO Classification: Moderate  
 Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Description: Failure to monitor and record influent flow.  
 Date: 04/30/2004 (297532)  
 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: 09/30/2002 (163410)  
 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: 12/31/2005 (469182)  
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: 05/31/2004 (297534)  
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: 08/31/2002 (163407)  
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 (420164)  
Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter  
Date: 07/31/2002 (163404)  
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 (297541)  
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 (163401)  
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 (163400)  
Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter  
Date: 11/30/2003 (297543)  
Self Report? YES Classification: Moderate

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

Description: Failure to meet the limit for one or more permit parameter  
Date: 12/31/2003 (297544)  
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: 05/31/2003 (163397)  
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 (163396)

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 JUNCTION  
RN101920288

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2006-1802-MWD-E

I. JURISDICTION AND STIPULATIONS

At its \_\_\_\_\_ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Junction (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 lift station located at 120 Shady River Drive in Junction, Kimble County, Texas (the "Site").
2. The City has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 9, 2006.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eleven Thousand Five Hundred Fifty Dollars (\$11,550) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Two Thousand Three Hundred Ten Dollars (\$2,310) 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. Nine Thousand Two Hundred Forty Dollars



(\$9,240) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

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 Site:
  - a. On August 8, 2006, the affected residence was tied into the City's water lines and the well was capped;
  - b. On August 10, 2006, the Site was disinfected and all solids were removed and properly disposed of by the City; and
  - c. On October 10, 2006, installation of an audio and visual alarm was completed at the Site.
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 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 Site, the City is alleged to have:

1. Failed to prevent an unauthorized discharge of approximately 1000 gallons of raw sewage from the collection system on August 7, 2006, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System Permit No. 10199001, Permit Conditions No. 2.g., and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on August 10, 2006. Specifically, the unauthorized discharge infiltrated a private well that was not being used for drinking water.
2. Failed to provide an operational audiovisual alarm at the lift station, in violation of 30 TEX. ADMIN. CODE § 317.3(e)(5), as documented during an investigation conducted on August 10, 2006.



### 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 Junction, Docket No. 2006-1802-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 City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nine Thousand Two Hundred Forty Dollars (\$9,240) 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. 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 Site operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the

1. Introduction

2. Methodology

3. Results and Discussion

4. Conclusion

5. References

6. Appendix

7. Acknowledgements

8. Contact Information

Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

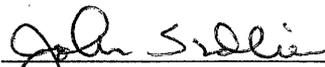
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), 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

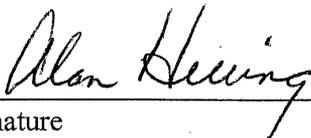
8/9/2007  
\_\_\_\_\_  
Date

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

03/15/07  
\_\_\_\_\_  
Date

Alan Herring  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Junction

Mayor  
\_\_\_\_\_  
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.



**Attachment A**  
**Docket Number: 2006-1802-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Junction  
**Penalty Amount:** Nine Thousand Two Hundred Forty Dollars (\$9,240)  
**SEP Offset Amount:** Nine Thousand Two Hundred Forty Dollars (\$9,240)  
**Type of SEP:** Custom (with pre-approved concept)  
**Location of SEP:** Kimble County

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

**1. Project Description**

A. Project

The Respondent shall hold two citywide collection events in which citizens may bring in tires, electronics, household hazardous waste ("HHW"), and large municipal solid waste for disposal at no cost to the citizens. The Respondent shall provide a drop-off location where citizens may bring these items for collection and proper disposal. The Respondent shall provide attendants at the collection station to assist the public and will use a licensed contractor to dispose of the wastes. The Respondent has agreed to provide public notification prior to the event to ensure that the public is aware of the event.

The first event shall be for the collection of used tires, metal, and large debris. The second event shall be for used tires, metal, HHW, electronics and other debris. Both events shall:

- occur within one year of the effective date of the Order;
- offer to the public a drop-off location convenient to the public;
- be organized and conducted by City employees and by a licensed disposal contractor;
- be advertised in a newspaper of large circulation in the geographic area.

The Respondent shall perform these events in accordance with all federal, state and local laws and regulations. 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. Expenses

The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the events, and no portion shall be spent on administrative costs. Specifically, SEP monies may be used for heavy equipment



including roll-off bins, trailers, overtime labor of employees, public announcement of the event, and disposal fees. The Respondent labor is subject to overtime rate requirements and equipment use is reimbursable only at the rates established by the Federal Emergency Management Agency (FEMA), or fair market value if FEMA rates do not apply. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A.

D. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a safe and convenient method for the proper disposal of used tires, large bulk wastes, computer equipment, and hazardous chemicals that can leach chemicals into the soil, water, and air, if illegally dumped, as well as help rid the community of the dangers and health threats associated with non-regulated dumping.

**2. Performance Schedule**

Within one year after the effective date of this Agreed Order, the Respondent shall have completed the project and submitted all reports described below.

**3. Reporting**

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. There are no required interim milestones for the collection events.

B. Final Report

Within 45 days after completion of the project, the Respondent shall submit a report to the TCEQ, which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of pounds and/or gallons of wastes collected;
5. Manifests for the proper disposal of all wastes, including hazardous wastes, in compliance with applicable hazardous waste transport and disposal regulations;
6. Photographs of the project; and
7. Any additional information Respondent believes will demonstrate compliance with this Attachment A.



C. Address

The Respondent shall submit all SEP reports and any requested additional information to the following address:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**4. Additional Information and Access**

The Respondent shall provide any additional information required by TCEQ staff and allow access to all records related to the receipt and expenditure of SEP funds. The Respondent shall also allow a representative of the TCEQ access to the site of any work being financed in whole or in part by SEP funds. This provision survives the termination of this Agreed Order.

**5. Failure to Fully Perform**

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

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

Litigation Division  
Attention: SEP Coordinator, MC 175  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3087

**6. 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.

**7. Clean Texas Program**

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



**8. 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 orders negotiated with the TCEQ or any other agency of the state or federal government.

