EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-2001-MWD-E **TCEQ ID:** RN101917623 **CASE NO.:** 31771

RESPONDENT NAME: City of Gregory

ORDER TYPE:		
__1660 AGREED ORDER	X FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Gregory wastewater treatment plant, 300 Sunset, at the intersection of Sunset Road and Blackwelder Street, approximately one half mile northwest of the convergence of United States Highway 181 and State Highway 35, San Patricio County

TYPE OF OPERATION: Wastewater treatment

SMALL BUSINESS: ___ Yes __X__ No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on April 30, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: None

TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468

Respondent: The Honorable Fernando P. Gomez, Mayor, City of Gregory, P.O. Box 297, Gregory, Texas 78359

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

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint _X_ Routine __ Enforcement Follow-up __ Records Review **Date of Complaint Relating to this Case:** None **Date of Investigation Relating to this Case:** September 20, 2006 **Date of NOE Relating to this Case:** November 10, 2006 (NOE) **Background Facts:** This was a routine investigation. Five violations were documented. **WATER** 1) Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(a), 317.7(e) and Texas Pollutant Discharge Elimination System ("TPDES") No. WQ0010092001, Operational Requirements No. 1]. 2) Failed to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(5), 317.4(b)(4), and TPDES No. WQ0010092001, Operational Requirements No. 1]. 3) Failed to properly calibrate the pH meter for the samples analyzed and failed to perform a manganese correction on chlorine residual samples [30 TEX. ADMIN. CODE §§ 319.6, 319.9(c), and 319.11(c), and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements, No. 2]. 4) Failed to comply with minimum permitted effluent limitations of 4.0 milligrams per liter ("mg/L") dissolved oxygen ("DO"), 6.0 pH, and 1.0 mg/L chlorine residual [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121, and TPDES Permit No. WQ0010092001, Final Effluent Limitations and Monitoring Requirements Nos. 2, 3, and 6].	**Total Assessed:** $12,250 **Total Deferred:** $0 __Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $0 **Total Paid (Due) to General Revenue:** $2,045 (the remaining $10,205 to be paid in 5 monthly payments of $2,041 each) **Site Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Person Compliance History Classification** __ **High** _X_ **Average** __ **Poor** **Major Source:** __ Yes _X_ No **Applicable Penalty Policy:** September 2002 **Findings Orders Justification:** The Respondent has three repeated enforcement actions with the same violations over the prior five year period.	**Corrective Actions Taken:** 1) The Executive Director recognizes that by November 30, 2006, the City has implemented the following corrective measures at the Facility: a. Began utilizing new plastic containers with lids for the disposal of the screenings from the bar screen and clarifier; b. Began checking chlorine residuals every three hours, increased the monitoring of the influent pH, and had reinstalled the rotor which had been repaired; c. Repaired the pinhole leak in the V-notch weir and repaired the fence surrounding the Facility; d. Returned to a regular schedule of drawing sludge every seven to ten days to improve the solids levels and quality at the Facility; and e. Began properly calibrating the pH meter for the samples and began performing a manganese correction on chlorine residual samples. **Ordering Provisions:** 2) The Order will require the Respondent to: a. Within 60 days after the effective date of this Agreed Order, ensure that lift stations and treatment units at the Facility are properly operated and maintained, which shall include installing and maintaining intact and intruder resistent fencing around each lift station, cleaning and maintaining all weirs to ensure optimal functioning and even flow, and maintaining Facility grounds, disposing of waste at authorized sites so that each treatment unit is within view and easily accessible at all times to authorized personnel only. A daily log book documenting operations and maintenance activities shall be maintained for a period of three (3) years and shall be made available to TCEQ staff upon request; b. Within 60 days, after the effective date of this Agreed Order, develop and implement a program to check each lift station to prevent petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin as well as other pollutants from being introduced into the

5) Failed to prevent petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin from being introduced into the treatment facility [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010092001, Contributing Industries and Pretreatment Requirements No. 1. f].		treatment facility. The program shall also include descriptions of corrective actions to be taken if such pollutants have entered any of the lift stations, including proper handling procedures and disposal methods. This description shall include how the oil-contaminated wastewater was removed and disposed of from the collection system at the Fab-Con Lift Station and how the oily residue was removed from the interior of the lift station wet well to prevent Interference or Pass Through. Documentation of the program's implementation shall be maintained at the Facility and shall be made available to TCEQ staff upon request; c. Within 60 days after the effective date of this Agreed Order, return to compliance with the effluent limits of TPDES Permit No. WQ0010092001; and d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, b, and c.

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) — *PCW Revision November 17, 2006*

DATES					
Assigned	13-Nov-2006				
PCW	25-Nov-2006	Screening	21-Nov-2006	EPA Due	

RESPONDENT/FACILITY INFORMATION

Respondent	City of Gregory		
Reg. Ent. Ref. No.	RN101917623		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION

Enf./Case ID No.	31771	No. of Violations	5
Docket No.	2006-2001-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* $5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 145% Enhancement — *Subtotals 2, 3, & 7* $7,250

Notes: Respondent self-reported 22 effluent violations, received two Commission-issued NOVs for same or similar violations, and was issued a Findings Order.

Culpability — No — 0% Enhancement — *Subtotal 4* $0

Notes: Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent does not meet the good faith criteria.

Total EB Amounts	$1,072
Approx. Cost of Compliance	$10,400

0% Enhancement* — **Capped at the Total EB $ Amount* — *Subtotal 6* $0

SUM OF SUBTOTALS 1-7 — *Final Subtotal* $12,250

OTHER FACTORS AS JUSTICE MAY REQUIRE — 0% — *Adjustment* $0

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

Notes:

Final Penalty Amount $12,250

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* $12,250

DEFERRAL — 0% Reduction — *Adjustment* $0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY $12,250

Screening Date 21-Nov-2006 **Docket No.** 2006-2001-MWD-E **PCW**

Respondent City of Gregory

Case ID No. 31771

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Policy Revision 2 (September 2002)

PCW Revision November 17, 2006

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*)	24	120%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%

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

Adjustment Percentage (Subtotal 2) 145%

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

No

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Respondent self-reported 22 effluent violations, received two Commission-issued NOVs for same or similar violations, and was issued a Findings Order.

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

Screening Date 21-Nov-2006 **Docket No.** 2006-2001-MWD-E **PCW**

Respondent City of Gregory *Policy Revision 2 (September 2002)*

Case ID No. 31771 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 1

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5), 317.3(a), 317.7(e) and TPDES No. WQ0010092001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the housing authority lift station was not intruder-resistant with a controlled access. Additionally, the plant area was not completely fenced by an eight-foot fence with barbed wire and the existing fence was breached on north side of the facility, as documented during the September 20, 2006 investigation.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: The lack of a controlled access and security measures could result in human health or the environment being exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violations. The facility treatment units included an open, inoperable clarifier with partially treated wastewater as well as other open tanks.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 62 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date, September 20, 2006, to the screening date, November 21, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $793

Statutory Limit Test

Violation Final Penalty Total $2,450

This violation Final Assessed Penalty (adjusted for limits) $2,450

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 31771
Reg. Ent. Reference No. RN101917623
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$5,000	10-Mar-2005	15-Jun-2007	2.3	$38	$755	$793
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: Cost is estimate for fence around one lift station as well as upgrading the fence surrounding the entire facility. Date required is when insufficient fencing was first documented. Final date is when compliance is expected to be achieved.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/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: $5,000

TOTAL: $793

Screening Date 21-Nov-2006 **Docket No.** 2006-2001-MWD-E **PCW**

Respondent City of Gregory *Policy Revision 2 (September 2002)*

Case ID No. 31771 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5), 317.4(b)(4) and TPDES No. WQ0010092001, Operational Requirements No. 1

Violation Description Failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, screenings from the bar screen and clarifier were placed in a container without a lid, clarifier effluent weirs were not level or cleaned to prevent obstruction or uneven flow, partially treated wastewater was allowed to remain in the off-line clarifier, the V-notch weir had a rust hole which was allowing flow to bypass its measurement, sludge was rising/bulking in the clarifier indicating its poor quality, and the Facility grounds had abandoned vehicles, large brush piles, and overgrown grass.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Improperly maintained or operated treatment facilities may result in human health or the environment being exposed to an insigificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1

62 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended based upon the September 20, 2006 investigation date.

Economic Benefit (EB) for this violation

Estimated EB Amount $185

Statutory Limit Test

Violation Final Penalty Total $1,225

This violation Final Assessed Penalty (adjusted for limits) $1,225

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 31771
Reg. Ent. Reference No. RN101917623
Media 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
Delayed Costs							
Equipment	$400	20-Sep-2006	30-Nov-2006	0.2	$0	$5	$5
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction	$3,500	20-Sep-2006	15-Jun-2007	0.7	$9	$171	$180
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: Cost is estimate for additional equipment, repairs, and labor necessary to properly maintain and operate the wastewater treatment units at the facility, including keeping screenings in a covered container, improving the accuracy of flow measuring devices, and achieving optimal levels of solids throughout the plant. Date required is the date poor maintenance items were documented and the final date is when compliance was achieved (obtaining covered containers for screenings and installing a new plate on the V-notch weir) or is expected to be achieved.

Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/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: $3,900

TOTAL: $185

Screening Date 21-Nov-2006 **Docket No.** 2006-2001-MWD-E **PCW**

Respondent City of Gregory *Policy Revision 2 (September 2002)*

Case ID No. 31771 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 319.6, 319.9(c), and 319.11(c) and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements, No. 2

Violation Description Failed to properly calibrate the pH meter for the samples analyzed and failed to perform a manganese correction on chlorine residual samples.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential			x

Percent 5%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Incorrect calibration or analysis may result in unknown effluent excursions and a release of an insignificant amount of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment $9,500

$500

Violation Events

Number of Violation Events 1 | 286 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $8

Statutory Limit Test

Violation Final Penalty Total $1,225

This violation Final Assessed Penalty (adjusted for limits) $1,225

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 31771
Reg. Ent. Reference No. RN101917623
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				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)	$200	8-Feb-2006	30-Nov-2006	0.8	$8	n/a	$8

Notes for DELAYED costs: Cost is estimate for the additional labor and chemicals required to assure the correct calibration of the pH meter and analysis of chlorine residual. The date required is the date of a letter notifying the respondent of the unresolved violation, and the final date is when compliance was actually achieved.

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

Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/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: $200

TOTAL: $8

Screening Date	21-Nov-2006	**Docket No.** 2006-2001-MWD-E	**PCW**
Respondent	City of Gregory		*Policy Revision 2 (September 2002)*
Case ID No.	31771		*PCW Revision November 17, 2006*
Reg. Ent. Reference No.	RN101917623		
Media [Statute]	Water Quality		
Enf. Coordinator	Merrilee Hupp		

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), Tex. Water Code § 26.121, and TPDES Permit No. WQ0010092001, Final Effluent Limitations and Monitoring Requirements Nos. 2, 3, and 6

Violation Description Failed to comply with minimum permitted effluent limitations of 4.0 milligrams per liter (mg/L) dissolved oxygen (DO), 6.0 pH, and 1.0 mg/L chlorine residual, recording in the daily log a minimum 2.5 mg/L DO in April 2006 (the lowest DO of five consecutive days below 4.0), 3.0 mg/L DO in July 2006, a pH of 5.4 in August 2006 (the lowest pH of four consectuve days below 6.0), and the TCEQ investigator's grab sample revealed a 0.76 mg/L chlorine residual as documented during the investigation conducted on September 20, 2006.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR	Release	Harm: Major	Moderate	Minor
	Actual			x
	Potential			

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Human health and the environment have been exposed to an insignificant amount of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violations.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 2 | 10 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $32

Statutory Limit Test

Violation Final Penalty Total $4,900

This violation Final Assessed Penalty (adjusted for limits) $4,900

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 31771
Reg. Ent. Reference No. RN101917623
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)	$500	13-Apr-2006	31-Jul-2007	1.3	$32	n/a	$32

Notes for DELAYED costs: Cost is an estimate for the labor and laboratory costs associated with increased monitoring of the effluent or resolution of the cause of the effluent excursions. The date required was the first of the excursions documented during the investigation described and the final date is when compliance with effluent limitations is expected to be achieved.

Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/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: $500

TOTAL: $32

Screening Date 21-Nov-2006 **Docket No.** 2006-2001-MWD-E **PCW**

Respondent City of Gregory *Policy Revision 2 (September 2002)*

Case ID No. 31771 *PCW Revision November 17, 2006*

Reg. Ent. Reference No. RN101917623

Media [Statute] Water Quality

Enf. Coordinator Merrilee Hupp

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010092001, Contributing Industries and Pretreatment Requirements No. 1.f.

Violation Description Failed to prevent petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin from being introduced into the treatment facility. Specifically, a large amount of oily water had been discharged into the collection system at the Fab-Con lift station and oily residue was observed coating the interior of the lift station wet well during the September 20, 2006 investigation.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

	Release	Harm: Major	Moderate	Minor
OR	Actual			
	Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes: Allowing large amounts of oily substances into a collection system and wet well could cause interference with the treatment capabilities of the wastewater treatment facility, resulting in human health or the environment possibly being exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 266 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended, from the investigation date, September 20, 2006, to the screening date, November 21, 2006.

Economic Benefit (EB) for this violation

Estimated EB Amount $53

Statutory Limit Test

Violation Final Penalty Total $2,450

This violation Final Assessed Penalty (adjusted for limits) $2,450

Economic Benefit Worksheet

Respondent City of Gregory
Case ID No. 31771
Reg. Ent. Reference No. RN101917623
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
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	$800	28-Feb-2006	30-Jun-2007	1.3	$53	n/a	$53
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 labor, chemicals, and disposal associated with the cleaning of the lift station. Date required is when respondent became aware of the violation and final date is when cleaning is expected to be complete whereas the pollutants no longer present a threat to the optimal functioning of the wastewater treatment facility.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $800

TOTAL: $53

Compliance History

Customer/Respondent/Owner-Operator:	CN600649594	City of Gregory	Classification: AVERAGE	Rating: 7.90
Regulated Entity:	RN101917623	CITY OF GREGORY	Classification: AVERAGE	Site Rating: 7.90

ID Number(s):	WASTEWATER	PERMIT	WQ0010092001
	WASTEWATER	PERMIT	TPDES0083062
	WASTEWATER	PERMIT	TX0083062
	WASTEWATER LICENSING	LICENSE	WQ0010092001

Location: 300 SUNSET at the intersec. of Sunset Rd. and Blackwelder St., approx. 1/2 mi. NW of the convergence of US Hwy. 181 & State Hwy. 35, San Patricio Co., TX Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: November 21, 2006

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 21, 2001 to November 21, 2006

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

Name: Merrilee G. Hupp Phone: 512-239-4490

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A Effective Date: 10/10/2003 ADMINORDER 2001-0670-MWD-E

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: FEL&Mon.Req.PG2 PERMIT
Description: Fail. oper. fac. to maintain compliance w/ permit limits.

Classification: Moderate

Rqmt Prov: M/R Req.7PG5-6 PERMIT
Description: Fail. provide noncompliance notification in writing for effluent violations which deviated from permitted effluent limits by more than 40%.

Classification: Moderate

Rqmt Prov: Oper/Main.1PG9 PERMIT
Description: Fail. ensure that fac. & all it's systems of collection , treatment & disposal are properly operated & maintained.

Classification: Moderate

Rqmt Prov: O/M 1PG9 PERMIT
Description: Fail. ensure that fac. & all it's systems of collection, treatment & disposal are properly operated & maintained.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: M/R Req. 3PG4-5 PERMIT
Description: Fail. maintain accurate calibration logs w/ all necessary info..

Classification: Minor

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

Rqmt Prov: M/R Req. 2PG4 PERMIT
Description: Fail. conduct effluent sampling in accord. w/ 30TAC319.11(B).

Classification: Moderate

Rqmt Prov: FEL Req. 2 PERMIT
Description: Fail. oper. fac. to maintain compliance w/ permit limits.

Classification: Moderate

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

Rqmt Prov: M/R Req. 5PG5 PERMIT
Description: Fail. annually calibrate all automatic flow measuring and/or recording devices and/or totalizing meters.

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 02/16/2006 (476426)
N/A
2 03/13/2006 (476427)
3 10/03/2005 (476428)
4 10/17/2005 (476429)
5 11/14/2005 (476430)
6 12/12/2005 (476431)
7 01/26/2006 (476432)
8 02/14/2005 (445227)
9 11/10/2006 (513214)
10 03/04/2002 (206201)
11 03/14/2005 (445228)
12 04/11/2005 (445229)
13 02/24/2003 (206202)
14 05/12/2005 (445230)
15 06/21/2005 (445231)
16 08/15/2005 (445232)
17 04/15/2002 (206204)
18 03/20/2003 (206205)
19 11/15/2004 (386656)
20 12/16/2004 (386657)
21 01/18/2005 (386658)
22 06/03/2002 (206207)
23 02/17/2004 (315801)
24 03/18/2004 (315802)
25 06/03/2002 (206209)
26 04/22/2003 (315803)
27 04/12/2004 (315804)
28 06/12/2003 (315805)
29 06/13/2002 (206211)
30 07/02/2003 (315806)
31 07/07/2003 (315807)
32 09/10/2003 (315808)
33 09/19/2003 (315809)
34 07/26/2002 (206213)
35 10/13/2003 (315810)
36 06/11/2003 (33301)
37 11/20/2003 (315811)
38 12/22/2003 (315812)
39 01/15/2004 (315813)
40 08/14/2002 (206215)
41 04/15/2005 (374108)
42 09/16/2002 (206217)

43 10/16/2002 (206219)
44 11/30/2001 (206220)
45 11/21/2002 (206221)
46 12/31/2001 (206222)
47 01/09/2004 (259164)
48 12/19/2002 (206223)
49 02/19/2002 (206224)
50 02/24/2003 (206225)
51 05/18/2004 (360616)
52 06/14/2004 (360617)
53 07/12/2004 (360618)
54 08/19/2004 (360619)
55 09/13/2004 (360620)
56 07/21/2006 (525850)
57 10/11/2004 (360621)
58 08/14/2006 (525851)
59 04/12/2006 (503487)
60 09/18/2006 (525852)

61 05/18/2006 (503488)
62 02/08/2006 (451814)
63 06/26/2006 (503489)

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

Date: 01/31/2002 (206201)
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: 06/10/2003 (33301)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT IA
Description: Failure to comply with self - monitored effluent limitations from 03/2002 through 12/2002.

Self Report? NO Classification: Minor
Rqmt Prov: PERMIT IA
Description: Failure to provide non-compliance notification for effluent violations.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)
Rqmt Prov: PERMIT IA
Description: Failure to perform quality control procedures and maintain calibration logs for chlorine residual and dissolved oxygen.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 325, SubChapter B 325.106[G]
Rqmt Prov: PERMIT IA
Description: Failure to employ a domestic wastewater treatment plant operator holding a valid certificate of competency.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
Rqmt Prov: PERMIT IA
Description: Failure to provide documentation the facility is operated in a minimum of five days per week be a licensed chief operator holding the required level of license or higher.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(g)[G]
Rqmt Prov: PERMIT IA
Description: Failure to maintain the solids concentration in the treatment system due to

inadequate sludge wasting frequency.

Self Report? NO Classification: Minor

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

Description: Failure to maintain a gas tight environment due to a hole at the bottom of the chlorination house.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(D)

Description: Failure to maintain a self contained breathing apparatus (SCBA) for use by plant personnel.

Date: 01/31/2003 (206202)

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 (445229)

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 (206204)

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 (206205)

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 (206207)

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 (206209)

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 (445230)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

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

Date: 04/30/2003 (315805)

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 (206211)

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 (206213)
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 (206215)
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 (206217)
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 (206219)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 10/31/2002 (206221)
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 (206222)
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 (206223)
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 (206224)
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: 04/12/2005 (374108)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3[G]
Rqmt Prov: OP IA
Description: Failure to at all times ensure that the lift stations are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: OP IA
Description: Failure to at times ensure that the final clarifiers are properly operated and maintained.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.6(b)(1)(E)

Rqmt Prov: OP IA

Description: Failure to at all times ensure that the chlorination facilities are properly operated and maintained.

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP IA

Description: Failure to at all times ensure that the facility and all of its systems of collection, treatment and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.7(e)

Description: Failure to ensure that the entire plant area is completely fenced with lockable gates at all access points.

Self Report? NO Classification: Moderate

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

Rqmt Prov: OP IA

Description: Failure to ensure that the effluent contains a chlorine residual of at least 1.0 mg/l and shall not exceed 4.0 mg/l after a detention time of at least 20 minutes based (based on peak flow).

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

30 TAC Chapter 319, SubChapter A 319.9(c)

Description: Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes utilizing at a minimum, the quality assurance requirements specified in Table 3 in chapter 319.9 of this title (relating to Self-Monitoring and Quality Assurance Schedules) for pH.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.6

30 TAC Chapter 319, SubChapter A 319.9(c)

Description: Failure to assure the quality of all measurements through the use of blanks, standards, duplicate analyses, and spikes utilizing at a minimum, the quality assurance requirements specified in Table 3 in chapter 319.9 of this title (relating to Self-Monitoring and Quality Assurance Schedules).

Date: 12/31/2002 (206225)

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: 07/31/2006 (525851)

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: 08/31/2006 (525852)

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 (503488)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF GREGORY	§	
RN101917623	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-2001-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Gregory ("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 presented this agreement to the Commission.

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

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

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

I. FINDINGS OF FACT

1. The City owns and operates a wastewater treatment plant at 300 Sunset at the intersection of Sunset Road and Blackwelder Street, approximately ½ mile northwest of the convergence of United States Highway 181 and State Highway 35 in San Patricio County, Texas (the "Facility").

2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. During an investigation on September 20, 2006, TCEQ staff documented the following:

   a. The housing authority lift station was not intruder-resistant with a controlled access. Additionally, the plant area was not completely fenced by an eight-foot fence with barbed wire and the existing fence was breached on the north side of the Facility;

   b. Screenings from the bar screen and clarifier were placed in a container without a lid, clarifier effluent weirs were not level or cleaned to prevent obstruction or uneven flow, partially treated wastewater was allowed to remain in the off-line clarifier, the V-notch weir had a rust hole which was allowing flow to bypass its measurement, sludge was rising/bulking in the clarifier indicating its poor quality, and abandoned vehicles, large brush piles, and overgrown grass were on the Facility grounds.

   c. The pH meter was being calibrated with only one standard for the samples being analyzed and a manganese correction was not being performed on chlorine residual samples being analyzed;

   d. The City self-reported a minimum 2.5 milligram per liter ("mg/L") dissolved oxygen ("DO") level in April 2006, a pH of 5.4 in August 2006, and the TCEQ investigator's grab sample revealed a 0.76 mg/L chlorine residual; and

   e. A large amount of oily water had been discharged into the collection system at the Fab-Con lift station and oily residue was observed coating the interior of the lift station wet well.

4. The City received notice of the violations on November 15, 2006.

5. The Executive Director recognizes that by November 30, 2006, the City has implemented the following corrective measures at the Facility :

   a. Began utilizing new plastic containers with lids for the disposal of the screenings from the bar screen and clarifier;

   b. Began checking chlorine residuals every three hours, increased the monitoring of the influent pH, and had reinstalled the rotor which had been repaired;

   c. Repaired the pinhole leak in the V-notch weir and repaired the fence surrounding the Facility;

   d. Returned to a regular schedule of drawing sludge every seven to ten days to improve the solids levels and quality at the Facility; and

   e. Began properly calibrating the pH meter for the samples and began performing a manganese correction on chlorine residual samples.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.

2. As evidenced by Findings of Fact No. 3.a, the City failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during the September 20, 2006 investigation, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(a), 317.7(e) and Texas Pollutant Discharge Elimination System ("TPDES") No. WQ0010092001, Operational Requirements No. 1.

3. As evidenced by Findings of Fact No. 3.b, the City failed to ensure that the Facility and all of its systems of collection, treatment, and disposal are properly operated and maintained, as documented during the September 20, 2006 investigation, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5), 317.4(b)(4), and TPDES No. WQ0010092001, Operational Requirements No. 1.

4. As evidenced by Findings of Fact No. 3.c, the City failed to properly calibrate the pH meter for the samples analyzed and failed to perform a manganese correction on chlorine residual samples, in violation of 30 TEX. ADMIN. CODE §§ 319.6, 319.9(c), and 319.11(c), and TPDES Permit No. WQ0010092001, Monitoring and Reporting Requirements, No. 2.

5. As evidenced by Findings of Fact No. 3.d, the City failed to comply with minimum permitted effluent limitations of 4.0 mg/L DO, 6.0 pH, and 1.0 mg/L chlorine residual, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121, and TPDES Permit No. WQ0010092001, Final Effluent Limitations and Monitoring Requirements Nos. 2, 3, and 6.

6. As evidenced by Findings of Fact No. 3.e, the City failed to prevent petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin from being introduced into the treatment facility, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010092001, Contributing Industries and Pretreatment Requirements No. 1.f.

7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.

8. An administrative penalty in the amount of Twelve Thousand Two Hundred Fifty Dollars ($12,250) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The City has paid Two Thousand Forty-Five Dollars ($2,045) of the administrative penalty. The remaining amount of Ten Thousand Two Hundred Five Dollars ($10,205) of the administrative penalty shall be payable in five monthly payments of Two Thousand Forty-One Dollars ($2,041) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become

immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Twelve Thousand Two Hundred Fifty Dollars ($12,250) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Gregory, Docket No. 2006-2001-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 undertake the following technical requirements:

   a. Within 60 days after the effective date of this Agreed Order, ensure that lift stations and treatment units at the Facility are properly operated and maintained, which shall include installing and maintaining intact and intruder resistent fencing around each lift station, cleaning and maintaining all weirs to ensure optimal functioning and even flow, and maintaining Facility grounds, disposing of waste at authorized sites so that each treatment unit is within view and easily accessible at all times to authorized personnel only, pursuant to 30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(a), 317.7(e) and TPDES No. WQ0010092001, Operational Requirements No. 1. A daily log book documenting operations and maintenance activities shall be maintained for a period of three (3) years and shall be made available to TCEQ staff upon request;

   b. Within 60 days, after the effective date of this Agreed Order, develop and implement a program to check each lift station to prevent petroleum oil, non-biodegradable cutting oil, or products of mineral oil origin as well as other pollutants from being introduced into the treatment facility, as required by TPDES Permit No. WQ0010092001, Contributing Industries and Pretreatment Requirements. The program shall also include descriptions of corrective actions to be taken if such pollutants have entered any of the lift stations, including proper handling procedures and disposal methods. This description shall include how the oil-contaminated wastewater was removed and disposed of from the collection system at the Fab-Con Lift Station and how the oily residue was removed from the interior of the lift station wet well to prevent Interference or Pass Through.

Documentation of the program's implementation shall be maintained at the Facility and shall be made available to TCEQ staff upon request;

c. Within 60 days after the effective date of this Agreed Order, return to compliance with the effluent limits of TPDES Permit No. WQ0010092001; and

d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, b, and c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

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

4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

7. 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.

8. 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.

9. 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.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

John Sadler
For the Executive Director

8/9/2007
Date

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

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

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

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

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

Fernando P. Gomez
Signature

2-28-07
Date

FERNANDO P. GOMEZ
Name (Printed or typed)
Authorized Representative of
City of Gregory

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.