

EXECUTIVE SUMMARY - ENFORCEMENT MATTER
DOCKET NO.: 2003-0051-MLM-E TCEQ ID: RN102286986 AND RN102698719
CASE NOS.: 2627 AND 25110
RESPONDENT NAME: WEBB COUNTY

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: 1 mile west on Hernandez Street and approximately 3.5 miles west of the intersection of Highway 83 and Espejo Molina Road, Webb County (the "Wastewater Facility"); and, 515 Martha Drive, Rio Bravo, Webb County (the "Public Water Supply Facility")

TYPE OF OPERATION: Wastewater treatment facility and public water supply system

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding these Facilities.

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 August 27, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Kari Gilbreth, Litigation Division, MC 175, (512) 239-1320
 Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873
SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Michael Meyer, Waste Enforcement Section, MC 128, (512) 239-4492
TCEQ Regional Contact: Ms. Rose Luna-Pirtle, Laredo Regional Office, MC R-16, (956) 753-4052
Respondent: The Honorable Danny Valdez, County Judge, Webb County, 1110 Victoria Street, Suite 207
 Laredo Texas 78042-0827
Respondent's Attorney: Mr. Nathan Bratton, First Assistant County Attorney, Webb County Attorney's Office, 1110
 Washington Street, Suite 301, Laredo, Texas 78040

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaints Relating to this Case: Not Applicable</p> <p>Dates of Investigations Relating to Wastewater Facility: August 12, 2003, Comprehensive Compliance Investigation ("CCI"); May 30, 2002, June 23, 2003, January 26, 2004 (Records Reviews)</p> <p>Date of NOV Relating to Wastewater Facility: February 10, 2004</p> <p>Dates of Investigations Relating to Public Water Supply Facility: July 10, 2003 (CCI); November 13, 2004 (Record Review)</p> <p>Date of NOEs Relating to Public Water Supply Facility: November 20, 2004, November 27, 2004</p> <p>Background Facts: After protracted negotiations, an Agreed Order was signed on May 31, 2007.</p> <p>The Respondent in this case does not owe any other penalties according to the Administrative Penalty Database Report.</p> <p>MLM</p> <p>1. Failed to comply with its Five-Day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids ("TSS") permit limits for the months of March 2003 through February 2004 [TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE § 305.125(1) and (5); and TPDES Permit No. 13577-006, Operational Requirements No. 1].</p> <p>2. Failed to comply with its individual grab sample limitations of 65 milligrams per liter ("mg/L") for both BOD₅ and TSS and the permitted chlorine residual of 4.0 mg/L in violation of TPDES Permit No. 13577-006,</p>	<p>Total Assessed: \$37,260</p> <p>Total Deferred: \$0</p> <p>SEP Conditional Offset: \$37,260</p> <p>Total Due to General Revenue: \$0</p> <p>The administrative penalty of \$37,260 shall be offset by the County's completion of a Supplemental Environmental Project (SEP).</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Absence of management practices designed to ensure compliance.</p>	<p>Ordering Provisions:</p> <p>1. The Respondent shall implement and complete a Supplemental Environmental Project (SEP).</p> <p>2. Within 30 days, Webb County shall submit a copy of the discharge monitoring report for the month of November 2002.</p> <p>Corrective Action Taken:</p> <p>The Executive Director recognizes and acknowledges that Webb County has taken the El Cenizo Wastewater Treatment Facility out of service as of May 4, 2005, and all sewage is now processed at the Webb County Regional Wastewater Treatment Plant.</p>

Effluent Limitations and Monitoring Requirements [30 TEX. ADMIN. CODE § 305.125(1); and TEX. WATER CODE § 26.121(a)].

3. Failed to maintain its effluent weir [TPDES Permit No. 13577-006 [Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5)].

4. Failed to have a scum removal baffle and a mechanism to transfer sludge from the clarifier [30 TEX. ADMIN. CODE § 317.4(d)].

5. Failed to have a surface skimming baffle for the chlorine contact chamber [30 TEX. ADMIN. CODE § 317.6(b)(3)].

6. Failed to have a bar screen to provide preliminary treatment [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(b)(1)].

7. Failed to have its flow meter calibrated by a trained person at least annually as required by TPDES permit [TPDES Permit No. 13577-006, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE § 305.125(1)].

8. Failed to maintain adequate records for chlorine, pH and DO meters. Records of chlorine, pH and DO meters failed to include the standards, procedures or values obtained [TPDES Permit No. 13577-006, Monitoring and Reporting Requirements No. 3.c. and 30 TEX. ADMIN. CODE § 319.7(a)].

9. Failed to submit a monthly effluent report for November 2002 to the TCEQ by the twentieth day of the following month (December 20, 2002) [TPDES Permit No. 13577-006, Monitoring and Reporting Requirements Nos. 1 and 30 TEX. ADMIN. CODE § 305.125(17)].

10. Failed to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") during the third quarter of 2004 based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].

11. Failed to comply with the MCL for haloacetic acids (five) ("HAA5") during the third quarter of 2004 based on a running annual average [30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c)].



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 17, 2004

DATES

PCW Screening Priority Due EPA Due

RESPONDENT/FACILITY INFORMATION

Respondent
 Reg. Ent. Ref. No.
 Additional ID No(s).
 Facility/Site Region Major/Minor Source

CASE INFORMATION

Enf./Case ID No.	<input type="text" value="CCEDS Case No. 2627"/>	No. of Violations	<input type="text" value="5"/>
Docket No.	<input type="text" value="2003-0051-MLM-E"/>	Order Type	<input type="text" value="Findings"/>
Case Priority	<input type="text" value="2"/>	Enf. Coordinator	<input type="text" value="Michael Meyer"/>
Media Program(s)	<input type="text" value="Water Quality"/>	EC's Team	<input type="text" value="Enforcement Team 8"/>
Multi-Media	<input type="text" value="WQ and PWS"/>		
Admin. Penalty \$ Limit Minimum	<input type="text" value="\$0"/>	Maximum	<input type="text" value="\$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 Subtotals 2, 3, & 7

Notes

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

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

Notes

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$16,243"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$51,000"/>	

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

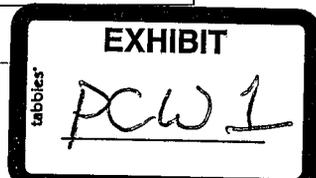
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Adjustment

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

Notes

PAYABLE PENALTY



Screening Date 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Site Address Approximately one mile west of Hernandez Street and approximately 3.5 miles west of the intersection of U.S. Highway 83 and Espejo Molina Road, County Road from Espejo Molina Road in Webb County

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	31	155%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgments 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) 155%

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

No <

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer <

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes The Respondent had thirty-one self-reported effluent violations for the months of 7/01-10/02 and 12/02-2/04.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 155%

Screening Date 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Tex. Water Code § 26.121(a), Tex. Admin. Code § 305.125(1) and TPDES Permit No. 13577-006, Effluent Limitations and Monitoring Requirements

Secondary Rule Cite(s)

TPDES Permit No. 13577-006, Operational Requirements No. 1, 30 Tex. Admin. Code § 305.125(5)

Violation Description

The Respondent failed to comply with its Five-day Biochemical Oxygen Demand (BOD) and Total Suspended Solids (TSS) permit limits for the months of 3/03-2/04 as reflected in the attached Effluent Limit Violation Table. In addition, analysis of samples collected during an inspection conducted by the TCEQ Laredo Regional Office on 7/10/2003 indicated the Respondent's effluent exceeded its permitted limitations for BOD (65 milligrams per liter (mg/L)), TSS (65 mg/l) and maximum chlorine residual (4.0 mg/L). The measured values were 132 mg/L for BOD, 100 mg/L for TSS and > 5.0 mg/L for chlorine residual, respectively. The Respondent also failed to maintain the effluent weir, as documented during an inspection conducted by the TCEQ Laredo Regional Office on 7/10/2003.

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

A simplified model was used to determine the impact of the BOD violations on human health and the environment. Human health and the environment has been exposed to significant amounts of pollutants which exceed levels protective of human health or environmental receptors.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

The event period is from March 2003 to the end of the settlement period (May 6, 2005). Five semi-annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. CCEDS Case No. 2627
 Reg. Ent. Reference No. RN102286986
 Additional ID No(s). TPDES Permit No. 13577-006
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				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)	\$51,000	31-Dec-1998	13-May-2005	6.4	\$16,243	n/a	\$16,243

Notes for DELAYED costs: This is the cost of moving and installing the portable plant as proposed in a letter from the Respondent dated 6/2/1998. The portable plant was to remain in operation until repairs could be made to the existing wastewater treatment plant. The Date Required is the date the the portable plant was to be placed in operation. The Final Date is the date that the treatment facility was tied into the regional wastewater treatment plant.

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 **\$51,000** TOTAL **\$16,243**

Screening Date 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)
Secondary Rule Cite(s)

30 Tex. Admin. Code §§ 317.4(d), § 317.6(b)(3), 317.4(b)(1) and 305.125(1)

Violation Description

The Respondent failed to have a scum removal baffle and a mechanism to transfer sludge from the clarifier, a surface skimming baffle for the chlorine contact chamber and a bar screen to provide preliminary treatment for wastewater entering the treatment plant, as documented during an investigation conducted by the TCEQ Laredo Regional Office on 7/10/2003.

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="25%"/>
	Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> 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

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

Violation Base Penalty

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 Webb County
 Case ID No. CEEDS Case No. 2627
 Reg. Ent. Reference No. RN102286986
 Additional ID No(s). TPDES Permit No. 13577-006
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$4,250	10-Jul-2003	31-Dec-2004	1.5	\$21	\$419	\$440
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: This is an estimate of the cost of installing a pumping system to transfer sludge from the clarifier, installing a surface skimming baffle for the clarifier and installing a bar screen. The Date Required is the date of the 7/10/2003 investigation. The Final Date is the date that the Respondent has indicated that the system will be tied into the Webb County Regional Wastewater Treatment Plant.

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

TPDES Permit No. 13577-006, Monitoring and Reporting Requirements No. 5 and 30 Tex. Admin. Code § 305.125(1)

The Respondent failed to have its flow meter calibrated by a trained person at least annually as required by its TPDES permit. The Respondent's records indicated that the flow meter was last calibrated on 1/25/1999, as documented during a regional investigation conducted on 7/10/2003.

Base Penalty

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="5%"/>
Potential	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

The failure to have the flow meter calibrated at least annually as required by the permit could result in inaccurate flow readings and could result in a misrepresentation of loading values which utilize flow in calculating loading amounts discharged.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event as documented during an investigation conducted on 7/10/2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. CCEDS Case No. 2627
 Reg. Ent. Reference No. RN102286986
 Additional ID No(s). TPDES Permit No. 13577-006
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs		ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)					
Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment	\$1,000	25-Jan-1999	10-Jul-2003	4.5	\$223	\$4,458	\$4,680
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

This is an estimate of the cost of having the flow meter calibrated on an annual basis. The Date Required is the date the flow meter was last calibrated (1/25/1999). The Final Date is the date of the 7/10/2003 investigation.

Approx. Cost of Compliance

TOTAL

Screening Date 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

TPDES Permit No. 13577-006, Monitoring and Reporting Requirement No. 3.c. and 30 Tex. Admin. Code § 319.7(a)

Secondary Rule Cite(s)

Violation Description

The respondent failed to maintain adequate records for chlorine, pH and dissolved oxygen (DO) meters. Records for the chlorine, pH and DO meters failed to include the standards, procedures or values obtained, as documented during an investigation conducted by the TCEQ Laredo Regional Office on 7/10/2003.

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"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input checked="" type="text" value="X"/>	<input type="text"/>	Percent <input type="text" value="5%"/>

Matrix Notes

Failed to comply with two of the five (40%) requirements for records of monitoring activities.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event as documented during an investigation conducted on 7/10/2003.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. CCEDS Case No. 2627
 Reg. Ent. Reference No. RN102286986
 Additional ID No(s). TPDES Permit No. 13577-006
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$100	10-Jul-2003	31-Dec-2004	2.0	\$10	\$100	\$110

Notes for AVOIDED costs
 This is an estimate of the cost for maintaining the required records for the chlorine, pH and DO meters. The Date Required is the date of the regional investigation and the Final Date is the projected date of compliance.

Approx. Cost of Compliance **\$100** TOTAL **\$110**

Screening Date 25-Jun-2003

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. CCEDS Case No. 2627

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN102286986

Additional ID No(s). TPDES Permit No. 13577-006

Media [Statute] Water Quality

Enf. Coordinator Michael Meyer

Violation Number

Primary Rule Cite(s)

TPDES Permit No. 13577-006, Monitoring and Reporting Requirement No. 1 and 30 TAC § 305.125(17)

Secondary Rule Cite(s)

Violation Description

The Respondent failed to submit a monthly effluent report for 11/2002 to the TCEQ by the twentieth day of the following month (12/20/2002), as documented during a record review conducted by the TCEQ Enforcement Division on 4/15/2004.

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"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. CCEDS Case No. 2627
 Reg. Ent. Reference No. RN102286986
 Additional ID No(s). TPDES Permit No. 13577-006
 Media [Statute] Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Item	Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$10	20-Dec-2002	20-Dec-2002	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
 This is the estimated cost for failure to submit the monthly effluent report for 11/2002. The Date Required and the Final Date are the same since there is no opportunity for compliance.

Approx. Cost of Compliance **\$10** TOTAL **\$0**

Compliance History

Customer/Respondent/Owner-Operator: CN600612758 Webb County Classification: AVERAGE Rating: 1.660
Regulated Entity: RN102286986 EL CENIZO WASTEWATER Site Rating 2.61
TREATMENT PLANT

ID Number(s):	WASTEWATER	PERMIT	TPDES0123323
	WASTEWATER	PERMIT	WQ0013577006
	WASTEWATER	PERMIT	TPDES0123323
	WASTEWATER	PERMIT	WQ0013577006

Location: 3.5 MILES SW OF HWY 83 AND ESPEJO MOLINA RD, Rating Date: 9/1/03 Repeat Violator: NO
EL CENIZO, TX, 78046

TCEQ Region: REGION 16 - LAREDO

Date Compliance History Prepared: May 14, 2004

Agency Decision Requiring Compliance History: Enforcement

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

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

Name: Michael Meyer Phone: 239-4492

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

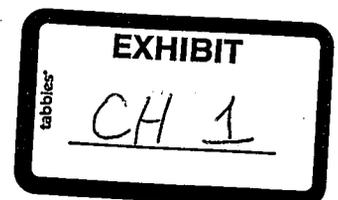
N/A

C. Chronic excessive emissions events.

N/A

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

1. 08/12/2003 (143754)
2. 01/14/2003 (236379)
3. 01/16/2002 (236378)
4. 12/12/2001 (236377)



5. 11/14/2002 (236376)
6. 11/15/2001 (236375)
7. 10/14/2002 (236374)
8. 10/12/2001 (236373)
9. 09/11/2002 (236372)
10. 05/30/2002 (IE0018338001001)
11. 06/05/2002 (236371)
12. 08/15/2002 (236370)
13. 06/05/2002 (236369)
14. 07/11/2002 (236368)
15. 06/13/2002 (236367)
16. 05/14/2002 (236366)
17. 04/17/2002 (236365)
18. 04/11/2002 (236364)
19. 03/14/2003 (236363)
20. 03/15/2002 (236362)
21. 02/13/2003 (236361)
22. 02/14/2002 (236360)
23. 05/12/2003
24. 06/13/2003
25. 07/14/2003
26. 08/14/2003
27. 09/17/2003
28. 10/18/2003
29. 11/17/2003
30. 12/09/2003 (257356)
31. 12/17/2003
32. 01/14/2004 (258891)
33. 02/17/2004
34. 03/15/2004

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

Date: 12/31/2002 (236379) Classification: Moderate
 Self Report? YES
 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 (236378) Classification: Moderate
 Self Report? YES
 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 (236377) Classification: Moderate
 Self Report? YES
 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 (236376) Classification: Moderate
 Self Report? YES
 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: 10/31/2001 (236375) Classification: Moderate
 Self Report? YES
 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 (236374) Classification: Moderate
 Self Report? YES
 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: 09/30/2001 (236373)

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 (236372)

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: 08/31/2001 (236371)

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 (236370)

Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 07/31/2001 (236369)

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 (236368)

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 (236367)

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 (236366)

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 (236365)

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 (236364)

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 (236363)

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 (236362)

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 (236361)

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 (236360)

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

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

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

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: 07/31/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 12/31/2003

Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2004

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

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 02, 2005

DATES	Assigned	07-Mar-2005				
	PCW	26-Jan-2007	Screening	30-Mar-2005	Priority Due	06-May-2005
					EPA Due	31-May-2005

RESPONDENT/FACILITY INFORMATION	
Respondent	Webb County
Reg. Ent. Ref. No.	RN102698719
Additional ID No(s)	Public Water Supply ID No. 2400022
Facility/Site Region	16-Laredo
Major/Minor Source	Major Source

CASE INFORMATION			
Enf./Case ID No.	25110	No. of Violations	2
Docket No.	2003-0051-MLM-E	Order Type	Findings
Case Priority	2 (SNG/HPV)	Enf. Coordinator	Michael Meyer
Media Program(s)	Public Water Supply	EC's Team	Enforcement Team 8
Multi-Media	WQ and PWS		
Admin. Penalty \$	Limit Minimum \$50	Maximum	\$1,000

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 Subtotals 2, 3, & 7

Notes

Culpability Subtotal 4

Notes

Good Faith Effort to Comply Subtotal 5

Before NOV NOV to EDPRP/Settlement Offer

Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	<i>(mark with a small x)</i>

Notes

Economic Benefit Subtotal 6

Total EB Amounts	<input type="text" value="\$613"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$5,000"/>	

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

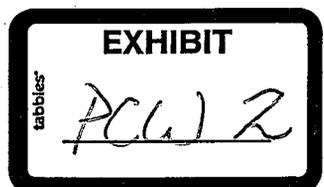
STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL Reduction Adjustment

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

Notes

PAYABLE PENALTY



Screening Date 30-Mar-2005

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 25110

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102698719

Additional ID No(s). Public Water Supply ID No. 2400022

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

Site Address 515 Martha Drive, Laredo, Webb County, Texas 78046

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>	0	0%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <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 (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 <i>(number of audits for which notices were</i>	0	0%
	<i>disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (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) 2%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

The penalty was enhanced due to an NOV dated 08/20/2003 without the same or similar type of violations.

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

Screening Date 30-Mar-2005

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 25110

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102698719

Additional ID No(s). Public Water Supply ID No. 2400022

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

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 checked="" type="text" value="X"/>	<input type="text"/>	Percent <input type="text" value="50%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. 25110
 Reg. Ent. Reference No. RN102698719
 Additional ID No(s). Public Water Supply ID No. 2400022
 Media [Statute] Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$3,000	01-Jul-2004	01-Apr-2006	1.8	\$18	\$350	\$368
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$2,000	01-Jul-2004	01-Apr-2006	1.8	\$12	\$233	\$245
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to implement an alternative method of disinfection.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$5,000** TOTAL **\$613**

Screening Date 30-Mar-2005

Docket No. 2003-0051-MLM-E

PCW

Respondent Webb County

Policy Revision 2 (September 2002)

Case ID No. 25110

PCW Revision March 02, 2005

Reg. Ent. Reference No. RN102698719

Additional ID No(s). Public Water Supply ID No. 2400022

Media [Statute] Public Water Supply

Enf. Coordinator Michael Meyer

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 checked="" type="text" value="X"/>	<input type="text"/>	Percent <input type="text" value="50%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
Matrix Notes	<input type="text" value="Human health or the environment have been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health."/>				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent Webb County
 Case ID No. 25110
 Reg. Ent. Reference No. RN102698719
 Additional ID No(s). Public Water Supply ID No. 2400022
 Media [Statute] Public Water Supply
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: See violation No. 1.

Item	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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

Compliance History

Customer/Respondent/Owner-Operator:	CN600612758 Webb County	Classification: AVERAGE	Rating: 1.390
Regulated Entity:	RN102698719 WEBB COUNTY WATER UTILITIES	Classification:	Site Rating: 0.00
ID Number(s):	PUBLIC WATER SYSTEM/SUPPLY	REGISTRATION	2400022
	WATER LICENSING	LICENSE	2400022
Location:	515 MARTHA DR, LAREDO, TX, 78046		
TCEQ Region:	REGION 16 - LAREDO		
Date Compliance History Prepared:	March 24, 2005		
Agency Decision Requiring Compliance History:	Enforcement		
Compliance Period:	March 24, 2000 to March 24, 2005		

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

Name: Jorge Ibarra, P.E. Phone: (817) 588-5890

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? | <u>N/A</u> |
| 4. If Yes, who was/were the prior owner(s)? | <u>N/A</u> |
| 5. When did the change(s) in ownership occur? | <u>N/A</u> |
| 6. Comments: | |

Components (Multimedia) for the Site :

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

N/A

B. Any criminal convictions of the state of Texas and the federal government.

N/A

C. Chronic excessive emissions events.

N/A

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

- 1 08/19/2003 (150730)
- 2 06/16/2004 (274551)
- 3 10/10/2003 (251661)
- 4 08/06/2002 (5817)
- 5 03/02/2005 (347501)

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

Date: 08/20/2003 (150730)

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)[G]

Description: Failure to properly calibrate laboratory equipment used for compliance testing.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 290, SubChapter F 290.121[G]

Description: Failure to maintain an up-to-date chemical and microbiological monitoring plan.

F. Environmental audits.

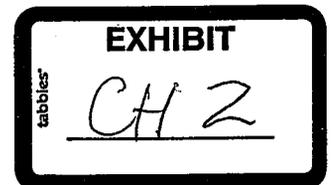
N/A

Description:

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 WEBB COUNTY,
RN102286986 AND RN102698719

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2003-0051-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding Webb County under the authority of TEX. HEALTH & SAFETY CODE ch. 341, TEX. WATER CODE chs. 7 and 26, and 30 TEX. ADMIN. CODE ch. 290. The Executive Director of the TCEQ, represented by the Litigation Division, and Webb County, represented by Nathan Bratton, Assistant County Attorney, presented this agreement to the Commission.

Webb County 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, Webb County agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties consolidating Docket No. 2003-0051-MWD-E (Enforcement Case No. 2627) and Docket No. 2005-0629-PWS-E (Enforcement Case No. 25110) herein. 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 Webb County.

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

FINDINGS OF FACT

1. Webb County owns and operates a wastewater treatment facility located at approximately 1 mile west on Hernandez Street and approximately 3.5 miles west of the intersection of United States Highway 83 and Espejo Molina Road, Webb County, Texas (the "Wastewater Facility").

2. The Wastewater Facility has discharged municipal solid waste into or adjacent to any water in the State under TEX. WATER CODE ch. 26.
3. Webb County owns and operates a public water supply system at 515 Martha Drive in Rio Bravo, Texas (the "Public Water Supply Facility") that has approximately 1,766 service connections and serves at least 25 people per day for at least 60 days per year.
4. During a record review conducted on April 15, 2004 at the Wastewater Facility, TCEQ Central Office staff documented that Webb County failed to comply with its Five-Day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids ("TSS") permit limits for the months of March 2003 through February 2004 as outlined below:

<i>Month/Year</i>	Dly. Avg. BOD (mg/L)	Dly. Avg. BOD (lbs/day)	BOD single Grab (mg/L)	Dly. Avg. TSS (mg/L)	Dly. Avg. TSS (lbs/day)	TSS Single Grab (mg/L)
<i>Month/Year</i>	20	33	65	20	33	65
March 2003	156	167	181	134	144	200
April 2003	128	128	152	123	123	140
May 2003	144	140	166	106	104	146
June 2003	149	119	139	106	85	95
July 2003	106	101	141	103	98	160
August 2003	173	148	152	141	121	136
September 2003	124	118	149	95	92	104
October 2003	139	158	158	92	104	132
November 2003	157	154	176	110	108	116
December 2003	129	145	189	85	95	132
January 2004	158	168	206	96	102	120
February 2004	156	131	185	119	112	126

5. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office collected samples that yielded results indicating that Webb County failed to comply with the permitted individual grab sample limitation of 65 milligrams per liter ("mg/L") for both BOD₅ and TSS and the permitted maximum chlorine residual of 4.0 mg/L. The results from samples collected measured 132 mg/L for BOD₅, 100 mg/L for TSS

and greater than 5.0 mg/L for chlorine residual.

6. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office documented that Webb County failed to maintain the Wastewater Facility's effluent weir.
7. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office documented that Webb County failed to have a scum removal baffle and a mechanism to transfer sludge from the clarifier.
8. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office documented Webb County failed to have a surface skimming baffle for the chlorine contact chamber.
9. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office staff documented that Webb County failed to have a bar screen to provide preliminary treatment.
10. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office documented that Webb County failed to have its flow meter calibrated by a trained person at least annually as required by TPDES permit. The Wastewater Facility records indicated that the flow meters were last calibrated on June 15, 1999.
11. During an investigation conducted on July 10, 2003 at the Wastewater Facility, the TCEQ Laredo Regional Office documented that Webb County failed to maintain adequate records for chlorine, pH and dissolved oxygen ("DO") meters. Records of chlorine, pH and DO meters failed to include the standards, procedures or values obtained.
12. During a record review conducted on April 15, 2004, TCEQ staff documented that Webb County failed to submit a monthly effluent report for the Wastewater Facility for November 2002 to the TCEQ by the twentieth day of the following month (December 20, 2002).
13. During a record review of the Public Water Supply Facility conducted on November 13, 2004, TCEQ Central Office staff documented that Webb County failed to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") during the third quarter of 2004 based on a running annual average.
14. During a record review of the Public Water Supply Facility conducted on November 13, 2004, TCEQ Central Office staff documented that Webb County failed to comply with the MCL for haloacetic acids (five)("HAA5") during the third quarter of 2004 based on a running annual average.

15. Webb County received notices of the violations on August 12, 2003 and February 10, 2004 for violations in paragraph numbers four through twelve, listed above.
16. Webb County received notices of the violations on November 20 and 27, 2004 for violations in paragraph numbers thirteen and fourteen, listed above.
17. The Executive Director recognizes and acknowledges that Webb County took possession and began operation of the El Cenizo Wastewater Treatment Facility on or about October 10, 1995 at the request of the Texas Commission on Environmental Quality (formerly the Texas Natural Resource Conservation Commission) because the facility was in substandard condition, consistently failed to meet permit requirements, and no other governmental entity was available to operate the plant. The Executive Director further recognizes and acknowledges that Webb County has taken the El Cenizo Wastewater Treatment Facility out of service as of May 4, 2005 and all sewage is now processed at the Webb County Regional Wastewater Treatment Plant.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1, 2 and 3, Webb County is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE § 7.002 and ch. 26, and TEX. HEALTH & SAFETY CODE ch. 341.
2. As evidenced by Finding of Fact No. 4, Webb County failed to comply with its Five-Day Biochemical Oxygen Demand (BOD₅) and Total Suspended Solids ("TSS") permit limits for the months of March 2003 through February 2004 in violation of TEX. WATER CODE § 26.121(a); 30 TEX. ADMIN. CODE § 305.125(1) and (5); and TPDES Permit No. 13577-006, Operational Requirements No. 1.
3. As evidenced by Finding of Fact No. 5, Webb County failed to comply with its individual grab sample limitations of 65 milligrams per liter ("mg/L") for both BOD₅ and TSS and the permitted chlorine residual of 4.0 mg/L in violation of TPDES Permit No. 13577-006, Effluent Limitations and Monitoring Requirements; 30 TEX. ADMIN. CODE § 305.125(1); and TEX. WATER CODE § 26.121(a).
4. As evidenced by Finding of Fact No. 6, Webb County failed to maintain its effluent weir in violation of TPDES Permit No. 13577-006, Operational Requirements No. 1 and 30 TEX. ADMIN. CODE § 305.125(5).
5. As evidenced by Finding of Fact No. 7, Webb County failed to have a scum removal baffle and a mechanism to transfer sludge from the clarifier in violation of 30 TEX. ADMIN. CODE § 317.4(d).

6. As evidenced by Finding of Fact No. 8, Webb County failed to have a surface skimming baffle for the chlorine contact chamber in violation of 30 TEX. ADMIN. CODE § 317.6(b)(3).
7. As evidenced by Finding of Fact No. 9, Webb County failed to have a bar screen to provide preliminary treatment in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(b)(1).
8. As evidenced by Finding of Fact No. 10, Webb County failed to have its flow meter calibrated by a trained person at least annually as required by TPDES permit in violation of TPDES Permit No. 13577-006, Monitoring and Reporting Requirements No. 5 and 30 TEX. ADMIN. CODE § 305.125(1).
9. As evidenced by Finding of Fact No. 11, Webb County failed to maintain adequate records for chlorine, pH and DO meters. Records of chlorine, pH and DO meters failed to include the standards, procedures or values obtained in violation of TPDES Permit No. 13577-006, Monitoring and Reporting Requirements No. 3.c. and 30 TEX. ADMIN. CODE § 319.7(a).
10. As evidenced by Finding of Fact No. 12, Webb County failed to submit a monthly effluent report for November 2002 to the TCEQ by the twentieth day of the following month (December 20, 2002) in violation of TPDES Permit No. 13577-006, Monitoring and Reporting Requirements Nos. 1 and 30 TEX. ADMIN. CODE § 305.125(17).
11. As evidenced by Finding of Fact No. 13, Webb County failed to comply with the maximum contaminant level ("MCL") for total trihalomethanes ("TTHM") during the third quarter of 2004 based on a running annual average in violation of 30 TEX. ADMIN. CODE § 290.113(f)(4) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
12. As evidenced by Finding of Fact No. 14, Webb County failed to comply with the MCL for haloacetic acids (five) ("HAA5") during the third quarter of 2004 based on a running annual average in violation of 30 TEX. ADMIN. CODE § 290.113(f)(5) and TEX. HEALTH & SAFETY CODE § 341.0315(c).
13. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against Webb County for violations of TEX. WATER CODE, TEX. HEALTH & SAFETY CODE, TCEQ rules, and orders adopted under the Code.
14. An administrative penalty in the amount of thirty-seven thousand two hundred sixty dollars (\$37,260.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049(b). Thirty-seven thousand two hundred sixty dollars (\$37,260.00) shall be conditionally offset by the County's completion of a Supplemental Environmental Project as defined in Attachment A and incorporated herein by reference. The County'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.

ORDERING PROVISIONS

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

1. Webb County is assessed an administrative penalty in the amount of thirty-seven thousand two hundred sixty dollars (\$37,260.00) as set forth in Conclusion of Law No. 14 for violations of TEX. WATER CODE ch. 26, TEX. HEALTH & SAFETY CODE ch. 341 and the rules of the TCEQ. The payment of this administrative penalty and Webb County'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 sent with the notation "Re: Webb County; Docket No. 2003-0051-MLM-E; Enforcement ID Nos. 2627 and 25110" to:

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

2. Webb County shall implement and complete a Supplemental Environmental Project (SEP) in accordance with TEX. WATER CODE § 7.067. As set forth in Conclusion of Law No. 14, thirty-seven thousand two hundred sixty dollars (\$37,260.00) of the assessed administrative penalty shall be offset with the condition that Webb County implement the SEP defined in Attachment A, incorporated herein by reference. Webb County'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. Within 30 days after the effective date of this Agreed Order, Webb County shall submit a copy of the discharge monitoring report for the month of November 2002 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:

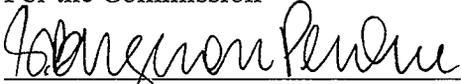
Ms. Rose Luna-Pirtle, Manager
Water Section
Laredo Regional Office
Texas Commission on Environmental Quality
707 East Calton Road, Ste. 304
Laredo, TX 78041-3638

4. The provisions of this Agreed Order shall apply to and be binding upon Webb County. Webb County is ordered to give notice of this Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. 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 Webb County shall be made in writing to the Executive Director. Extensions are not effective until Webb County 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 Webb County if the Executive Director determines that Webb County 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 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 Webb County 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 the TEX. WATER CODE or the TEX. HEALTH & SAFETY CODE.
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. Pursuant to 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date is the date of hand-delivery of the Order to Webb County, or three days after the date on which the Commission mails notice of the Order to Webb County, whichever is earlier.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

8/9/07

Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of Webb County. I represent that I am authorized to agree to the attached Agreed Order on behalf of Webb County, 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, Webb County 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, 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 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

Honorable Danny Valdez

Name (printed or typed)

Authorized Representative for
Webb County

May 31, 2007

Date

Webb County Judge

Title

ATTACHMENT "A"

Attachment A
Docket Number: 2003-0051-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	Webb County
Penalty Amount:	Thirty-seven Thousand Two Hundred Sixty Dollars [\$37,260]
SEP Amount:	Thirty-seven Thousand Two Hundred Sixty Dollars [\$37,260]
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")
Location of SEP:	Webb County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, Respondent will contribute to RC&D for its *Abandoned Tire Clean-Up project* in Webb County. The contribution will be used in accordance with the Supplemental Environmental Project Agreement between the RC&D and the TCEQ. Specifically, the contribution will be used to clean up sites in Webb County where tires have been disposed of illegally. Eligible sites will be limited to those where a responsible party cannot be found and where reasonable efforts have been made to prevent the dumping. SEP monies will be used to pay for the direct cost of collecting and disposing of tires. Respondent shall not profit from SEP in any manner. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs. The SEP will be done in accordance with all federal, state and local environmental laws and regulations.

Respondent certifies that there is no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of tires and by reducing health threats associated with illegally dumped tires. Illegal tire dump sites can become breeding grounds for mosquitoes and rodents which carry disease. The potential for tire fires is also reduced by removing illegally dumped tires. Tire fires can result in the contamination of surface water, ground water, and soil.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and
Development Areas, Inc. (RC&D)
1716 Briarcrest Drive, Suite 510
Bryan, TX 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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