EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-0502-MWD-E **TCEQ ID:** Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10151001 and RN101919959 **CASE NO.:** 24899

RESPONDENT NAME: City of Collinsville

ORDER TYPE:		
X 1660 AGREED ORDER	__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 Collinsville Wastewater Treatment Plant, approximately 0.5 mile southeast of the intersection of U. S. Highway 377 and Farm-to-Market Road 902, Grayson County

TYPE OF OPERATION: Wastewater treatment

SMALL BUSINESS: ___ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2006-0332-MWD-E.

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 October 22, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Brad Kerr, Mayor, City of Collinsville, P.O. Box 649, Collinsville, Texas 76233
Respondent's Attorney: Mr. Arturo D. Rodriguez, Russell, Moorman & Rodriguez, LLP, 102 West Morrow, Suite 103, Georgetown, Texas 78626

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint __ Routine __ Enforcement Follow-up _X_ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** February 18, 2005 **Date of NOV/NOE Relating to this Case:** February 26, 2005 (NOE) **Background Facts:** This was a routine record review. One violation was documented. **WATER** Failed to comply with permitted effluent limits [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10151001 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].	**Total Assessed:** $3,820 **Total Deferred:** $764 _X_ Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $3,056 **Total Paid (Due) to General Revenue:** $0 **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	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP. Attachment A) 2) The Order will also require the Respondent to: a. Within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limitations of TPDES Permit No. 10151001; and b. Within 75 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision 2.a.

Attachment A
Docket Number: 2005-0502-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Collinsville
Penalty Amount:	Three Thousand Fifty-Six Dollars ($3,056)
SEP Offset Amount:	Three Thousand Fifty-Six Dollars ($3,056)
Type of SEP:	Custom (with pre-approved concept)
Location of SEP:	Grayson County

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

1. Project Description

A. Project

The Respondent shall extend first-time sewer service to one low-income household in a rural area that is currently utilizing an older on-site septic system. The septic system is located at 26360 Farm-to-Market Road 902 in Collinsville. The Respondent agrees to properly decommission (remove or backfill) the existing septic tank at no cost to the owner.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.

- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 90 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of connections made to central sewer;
5. Map showing specific location of the properties where connections were achieved;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with

this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that the payment is for reimbursement of a SEP, and shall make the payment for any amount due to "Texas Commission on Environmental Quality" and mail to:

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

If payment for non-performance is required, the Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision March 02, 2005*

DATES **Assigned** 07-Mar-2005
PCW 04-Apr-2005 **Screening** 10-Mar-2005 **Priority Due** 06-May-2005 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent	City of Collinsville
Reg. Ent. Ref. No.	RN101919959
Additional ID No(s).	TPDES Permit No. 10151-001
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor Source

CASE INFORMATION

Enf./Case ID No.	24899	**No. of Violations**	1
Docket No.	2005-0502-MWD-E	**Order Type**	1660
Case Priority	3	**Enf. Coordinator**	Pamela Campbell
Media Program(s)	Water Quality	**EC's Team**	Enforcement Team 8
Multi-Media			
Admin. Penalty $ Limit Minimum	$0	**Maximum**	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* $2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 91% Enhancement *Subtotals 2, 3, & 7* $1,820

Notes: The respondent received two NOVs for same or similar violations, three NOVs for unrelated violations, and has 15 months of self-reported effluent violations.

Culpability No 0% Enhancement *Subtotal 4* $0

Notes: The 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 a small x)*

Notes: The respondent is not yet in compliance.

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

**Capped at the Total EB $ Amount*

Total EB Amounts	$614
Approx. Cost of Compliance	$5,000

SUM OF SUBTOTALS 1-7 **Final Subtotal** $3,820

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

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

Notes:

Final Penalty Amount $3,820

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $3,820

DEFERRAL 20% Reduction **Adjustment** -$764

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $3,056

Screening Date 10-Mar-2005 **Docket No.** 2005-0502-MWD-E **PCW**

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

Case ID No. 24899 *PCW Revision March 02, 2005*

Reg. Ent. Reference No. RN101919959

Additional ID No(s). TPDES Permit No. 10151-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Site Address Approximately 0.5 mile southeast of the intersection of U. S. Highway 377 and Farm-to-Market Road 902 in Grayson 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 *(number of NOVs meeting criteria)*	17	85%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	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) **91%**

>> **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 received two NOVs for same or similar violations, three NOVs for unrelated violations, and has 15 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **91%**

Screening Date 10-Mar-2005 **Docket No.** 2005-0502-MWD-E **PCW**

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

Case ID No. 24899 *PCW Revision March 02, 2005*

Reg. Ent. Reference No. RN101919959

Additional ID No(s). TPDES Permit No. 10151-001

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 1

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10151-001 Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)

Secondary Rule Cite(s)

Violation Description Failure to comply with permitted effluent limits as shown in the attached violation table.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: A simplified model was utilized to evaluate the values for ammonia nitrogen ("NH_3-N"), five-day biochemical oxygen demand, and flow to determine whether the discharged amounts of pollutants (NH_3-N) exceeded levels protective of human health or the environment. The amounts discharged at the time of the violations were insignificant and did not exceed levels protective of human health or the environment.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 2

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

Violation Base Penalty $2,000

The violations occurred in December 2003, January 2004, February 2004, and July 2004; therefore, two quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $614

Statutory Limit Test

Violation Final Penalty Total $3,820

This violation Final Assessed Penalty (adjusted for limits) $3,820

Economic Benefit Worksheet

Respondent City of Collinsville
Case ID No. 24899
Reg. Ent. Reference No. RN101919959
Additional ID No(s). TPDES Permit No. 10151-001
Media [Statute] 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)	$5,000	01-Dec-2003	01-Sep-2005	1.8	$29	$584	$614
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: Estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances. The date required is the date the noncompliances started and the final date is the anticipated date that the facility will come back into compliance.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance: $5,000

TOTAL: $614

Respondent	City of Collinsville
ID Number(s)	TPDES Permit No. 10151-001
Docket Number	2005-0502-MWD-E
Enf. Coordinator	Pamela Campbell

Corresponds to Violation Number: 1

	EFFLUENT PARAMETER												
	Permit Limit												
	NH_3-N daily ave conc	NH_3-N daily ave loading											
Month/Year	2 mg/L	4.1 lbs/day											
December 2003	3	c											
January 2004	3	c											
February 2004	6	5											
July 2004	3.35	4.88											

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

Compliance History

Customer/Respondent/Owner-Operator:	CN600334460	City of Collinsville	Classification: AVERAGE	Rating: 2.10
Regulated Entity:	RN101919959	CITY OF COLLINSVILLE	Classification: AVERAGE	Site Rating: 2.10

ID Number(s):	WASTEWATER	PERMIT	WQ0010151001
	WASTEWATER	PERMIT	TPDES0034410
	WASTEWATER	PERMIT	TX0034410
	WASTEWATER LICENSING	LICENSE	WQ0010151001

Location: APPROXIMATELY 0.5 MI SE OF HWY 377 AND FM 902 IN GRAYSON COUNTY

Rating Date: September 01 04 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: October 18, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: April 13, 2000 to April 13, 2005

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

Name: Pamela Campbell Phone: 512 239-4493

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	04/25/2000	(179819)
2	05/16/2000	(283691)
3	05/21/2000	(179823)
4	06/14/2000	(179826)
5	07/31/2000	(179811)
6	08/23/2000	(179829)
7	09/12/2000	(246938)
8	09/21/2000	(179832)
9	10/17/2000	(179847)
10	10/17/2000	(179843)
11	10/24/2000	(179835)
12	11/16/2000	(179837)
13	12/21/2000	(179840)
14	01/16/2001	(179844)
15	02/22/2001	(179812)
16	03/12/2001	(179815)
17	04/18/2001	(179820)
18	05/23/2001	(179824)
19	05/30/2001	(39324)
20	06/21/2001	(39325)
21	06/27/2001	(179827)
22	07/03/2001	(39323)

23 08/22/2001 (179830)
24 09/26/2001 (179833)
25 11/26/2001 (179838)
26 12/27/2001 (179841)
27 01/25/2002 (179845)
28 02/22/2002 (179813)
29 03/25/2002 (179816)
30 04/26/2002 (179821)
31 05/23/2002 (179825)
32 06/13/2002 (179828)
33 08/21/2002 (5351)
34 08/26/2002 (179831)
35 09/27/2002 (179834)
36 10/24/2002 (179836)
37 11/25/2002 (179839)
38 12/23/2002 (179842)
39 01/21/2003 (18137)
40 01/27/2003 (179846)
41 02/24/2003 (179814)
42 04/14/2003 (179817)
43 04/30/2003 (179822)
44 05/23/2003 (304546)
45 06/20/2003 (304547)
46 07/23/2003 (304548)
47 09/22/2003 (304550)
48 10/23/2003 (304551)
49 10/27/2003 (304549)
50 11/24/2003 (304552)
51 12/22/2003 (304553)
52 01/22/2004 (304554)
53 02/23/2004 (304543)
54 03/19/2004 (304544)
55 04/19/2004 (304545)
56 05/07/2004 (269575)
57 05/20/2004 (355803)
58 06/18/2004 (383918)
59 07/21/2004 (355804)
60 08/20/2004 (355805)
61 09/07/2004 (292327)
62 09/17/2004 (355806)
63 10/15/2004 (355807)
64 11/23/2004 (383919)
65 12/20/2004 (442750)
66 01/17/2005 (383920)
67 02/21/2005 (383917)
68 02/21/2005 (442746)
69 02/28/2005 (371410)

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

Date 05/31/2000 (179826)
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 09/12/2000 (246938)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Date 04/30/2001 (179824)
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 07/03/2001 (39323)

Self Report? NO Classification: Minor

Rqmt Prov: OP PPV.2.g
Description: FAILURE TO COMPLY
Date 11/30/2001 (179841)

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 (179813)

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 08/19/2002 (5351)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to maintain adequate sample analyses records by not including the time of analysis and the person performing the analysis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to maintain adequate sludge disposal records.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to test the RPZ backflow prevention device on an annual basis.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
30 TAC Chapter 317 317.4(b)(3)
Description: Failure to provide a bar screen which is adequate in preventing debris/solids from getting into the treatment system.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
Description: Failure to maintain the clarifier.
Date 09/30/2002 (179836)

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 (179842)

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 12/31/2002 (179846)

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 (179817)

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 (179822)

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 (304546)

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 (304554)

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 (304543)

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 (304544)

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 05/10/2004 (269575)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(6)[G]

Description: Failure to maintain the equalization basin according to the "OTHER REQUIREMENTS, Paragraph 3" section of the permit.

Self Report? NO Classification: Moderate

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

Description: Failure to prevent sludge from entering the creek.

Self Report? NO Classification: Minor

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

Description: Failure to meet permit limits for ammonia.

Self Report? NO Classification: Minor

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

Description: Failure to close an abandoned treatment unit.

Date 07/31/2004 (355805)

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 09/01/2004 (292327)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(6)[G]

Description: Failure to maintain the equalization basin according to the "OTHER REQUIREMENTS, Paragraph 3" section of the permit.

Self Report? NO Classification: Moderate

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

Description: Failure to prevent sludge from entering the creek.

Self Report? NO Classification: Minor

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

Description: Failure to meet permit limits for ammonia.

Self Report? NO Classification: Minor

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

Description: Failure to close an abandoned treatment unit.

Date 09/30/2004 (355807)

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	§	
CITY OF COLLINSVILLE	§	
TEXAS POLLUTANT DISCHARGE	§	**TEXAS COMMISSION ON**
ELIMINATION SYSTEM ("TPDES")	§	
PERMIT NO. 10151-001	§	
RN101919959	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2005-0502-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Collinsville ("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, represented by Mr. Arturo D. Rodriguez, of the law firm of Russell, Moorman & Rodriguez, LLP, appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located approximately 0.5 mile southeast of the intersection of U. S. Highway 377 and Farm-to-Market Road 902, Grayson County, Texas (the "Facility").

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

3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

4. The City received notice of the violations alleged in Section II ("Allegations") on or about March 2, 2005.

5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.

6. An administrative penalty in the amount of Three Thousand Eight Hundred Twenty Dollars ($3,820) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Seven Hundred Sixty-Four Dollars ($764) is deferred contingent upon the City's timely and

satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty. Three Thousand Fifty-Six Dollars ($3,056) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

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

10. 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.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with permitted effluent limits, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. 10151-001 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on February 18, 2005 and shown in the table below:

	NH_3-N daily ave conc	NH_3-N daily ave loading
Month/Year	2 mg/L	4.1 lbs/day
September 2003	c	c
October 2003	c	c
November 2003	c	c
December 2003	3	c
January 2004	3	c
February 2004	6	5
March 2004	c	c
April 2004	c	c
May 2004	c	c
June 2004	c	c
July 2004	3.35	4.88
August 2004	c	c

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD5
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH3-N
dissolved oxygen	DO
compliant (no excursions)	c

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Collinsville, Docket No. 2005-0502-MWD-E" to:

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

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Three Thousand Fifty-Six Dollars ($3,056) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the City shall undertake the following technical requirements:

   a. Within 60 days after the effective date of this Agreed Order, achieve compliance with the permitted effluent limitations contained in TPDES Permit No. 10151-001.

   b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below to demonstrate compliance with Ordering Provision No. 3.a.

   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:

Manager, Water Section
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

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.

Brad Kerr
Signature

8/10/07
Date

Brad Kerr
Name (Printed or typed)
Authorized Representative of
City of Collinsville

Mayor
Title

John Sullivan
For the Executive Director

12/7/07
Date

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

Attachment A
Docket Number: 2005-0502-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Collinsville
Penalty Amount:	Three Thousand Fifty-Six Dollars ($3,056)
SEP Offset Amount:	Three Thousand Fifty-Six Dollars ($3,056)
Type of SEP:	Custom (with pre-approved concept)
Location of SEP:	Grayson County

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

1. Project Description

A. Project

The Respondent shall extend first-time sewer service to one low-income household in a rural area that is currently utilizing an older on-site septic system. The septic system is located at 26360 Farm-to-Market Road 902 in Collinsville. The Respondent agrees to properly decommission (remove or backfill) the existing septic tank at no cost to the owner.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.

- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 90 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of connections made to central sewer;
5. Map showing specific location of the properties where connections were achieved;
6. Photographs of the project; and
7. Any additional information the Respondent believes will demonstrate compliance with

this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that the payment is for reimbursement of a SEP, and shall make the payment for any amount due to "Texas Commission on Environmental Quality" and mail to:

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

If payment for non-performance is required, the Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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