

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER** Page 1 of 2  
**DOCKET NO.: 2004-1138-MWD-E TCEQ ID: RN101920445 CASE NO.: 17870**  
**RESPONDENT NAME: CITY OF SPRINGTOWN**

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> 4600 feet east of the intersection of Spring Branch Trail and Third Street, Springtown, Parker County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on January 4, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney:</b> Ms. Tracy Chandler, Litigation Division, MC 175, (512) 239-0629  Ms. Jennifer Cook, Litigation Division, MC 175, (512) 239-1873  <b>SEP Coordinator:</b> Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223  <b>TCEQ Enforcement Coordinator:</b> Ms. Pamela Campbell, Water Enforcement Section, MC 169, (512) 239-4493  <b>TCEQ Regional Contact:</b> Mr. Sid Slocum, DFW Regional Office, MC R-4, (817) 588-5901  <b>Respondent:</b> The Honorable Doug Hughes, Mayor of City of Springtown, P.O. Box 444, Springtown, Texas 76082  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter.</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b></p> <p><input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> June 18, 2004</p> <p><b>Date of NOE Relating to this Case:</b> July 13, 2004</p> <p><b>Background Facts:</b> The EDPRP was filed on November 15, 2006. The Agreed Order was signed by the Respondent on October 18, 2007.</p> <p><b>MWD:</b> Failed to comply with the permitted effluent limits for Total Suspended Solids, Total Ammonia Nitrogen and CBOD5 [30 TEX. ADMIN. CODE § 305.125(1) and TEX. WATER CODE § 26.121(a) and TPDES No. 10649-001, Effluent Limitations and Monitoring Requirements].</p>	<p><b>Total Assessed:</b> \$6,420</p> <p><b>Total Deferred:</b> \$0</p> <p><b>SEP Conditional Offset:</b> \$6,420</p> <p><b>Total Due to General Revenue:</b> \$6,420</p> <p>The Respondent has not paid \$6,420 of the administrative penalty. The amount of \$6,420 of the administrative penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project (SEP).</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provision:</b></p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> <li>1. Within 45 days, come into compliance with TPDES Permit No. 10649-001 Effluent Limits and Monitoring Requirements.</li> <li>2. Within 60 days, submit written certification of compliance.</li> </ol> <p><b>Ordering Provision</b></p> <p>The Respondent shall implement and complete a SEP (see SEP Attachment "A").</p>

**Attachment A**  
**Docket Number: 2004-1138-MWD-E**

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

<b>Respondent:</b>	City of Springtown
<b>Penalty Amount:</b>	Six Thousand Four Hundred Twenty Dollars (\$6,420)
<b>SEP Offset Amount:</b>	Six Thousand Four Hundred Twenty Dollars (\$6,420)
<b>Type of SEP:</b>	Custom
<b>Location of SEP:</b>	Parker 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, through a licensed professional installer, construct a compressed natural gas ("CNG") fueling station and convert at least two of its existing fleet of diesel and regular gasoline powered vehicles to natural gas fueled vehicles. The Respondent shall use SEP funds to pay for the direct cost of the CNG fueling station installation and the cost of conversion of the vehicles and will not use SEP funds for administrative costs or for purchasing fuel. The Respondent shall continue the operation of the CNG fueling station and the use of CNG fuel in its converted vehicles for a minimum of three years following the effective date of this Agreed Order.

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. The Respondent further certifies that any resale of CNG to other entities will be used only to support the use of alternative fuels and continuation of the fueling station, and will not be used for profit.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by using cleaner fuel technology in the city's fleet vehicles, reducing particulate emissions, hydrocarbons (HC), and nitrogen oxides (NOx). Cleaner fuels contribute to a reduction in both air and water quality pollutants. Generally, natural gas vehicles can be expected to provide a 70% reduction in carbon monoxide, 87% reduction in NOx, and 87% reduction in non-methane organic gases over traditional gasoline combustion engines.

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 SEP. The Respondent understands that performance of this SEP may cost more than the Offset Amount to complete.

2. **Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this SEP. The installation of the fueling station shall be completed within one year after the effective date of this Agreed Order.

3. **Reporting**

A. Progress Reports

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

B. Final Report

Within 60 days after the three year period immediately following the effective date of this Agreed Order, 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 estimated quantifiable environmental benefits;
4. Map showing specific location of the facility;
5. The number of City vehicles actually converted to CNG fuel capability;
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

City of Springtown  
Agreed Order – Attachment A. 2004-1138-MWD-E

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.

**5. Failure to Fully Perform**

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

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

Texas Commission on Environmental Quality  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

**Penalty Calculation Worksheet (PCW)** PCW Revision May 17, 2004



Policy Revision 2 (September 2002)

**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.  No. of Violations   
 Docket No.  Order Type   
 Case Priority  Enf. Coordinator   
 Media Program(s)  EC's Team   
 Multi-Media   
 Admin. Penalty \$ Limit Minimum  Maximum

**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 EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with a small x)

Notes

Economic Benefit  Subtotal 6

Total EB Amounts	<input type="text" value="\$1,053"/>	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	<input type="text" value="\$1,000"/>	

**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 26-Jul-2004

Docket No. 2004-1138-MWD-E

PCW

Respondent City of Springtown

Policy Revision 2 (September 2002)

Case ID No. 17870

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101920445

Additional ID No(s). WQ Permit No. 10649-001

Media [Statute] Water Quality

Enf. Coordinator Mike Limos

Site Address 4600 ft. east of intersection of Spring Branch Trail and Third Street, Parker 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)	15	75%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were)	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%
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%

Please Enter Yes or No

Adjustment Percentage (Subtotal 2) 124%

>> 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 has received 14 NOVs for self-reported violations, 3 agency-issued NOVs and 2 orders.

**Total Adjustment Percentage (Subtotals 2, 3, & 7) 124%**

Screening Date 26-Jul-2004

Docket No. 2004-1138-MWD-E

PCW

Respondent City of Springtown

Policy Revision 2 (September 2002)

Case ID No. 17870

PCW Revision May 17, 2004

Reg. Ent. Reference No. RN101920445

Additional ID No(s). WQ Permit No. 10649-001

Media [Statute] Water Quality

Enf. Coordinator Mike Limos

Violation Number 1

Primary Rule Cite(s)

30 Tex. Admin. Code § 305.125(1); WQ Permit No. 10649-001, Effluent Limitations and Monitoring Requirements

Secondary Rule Cite(s)

Tex. Water Code § 26.121(a)

Violation Description

Failure to comply with the permitted effluent limits for Total Suspended Solids, Total Ammonia Nitrogen and CBOD5 as detailed in the attached Effluent Limit Violation table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent

Matrix Notes

A simplified model was utilized to evaluate CBOD5, NH3-N and flow to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Failure to maintain compliance with permitted effluent limits resulted in the exposure of an insignificant amount of contaminants which 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 3

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

Violation Base Penalty \$3,000

Three quarterly events are recommended for the violation dates of 3/03, 8/03, 9/03, 10/03, 11/03, 12/03, and 1/04 as documented during the record review conducted on 6/18/04.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$1,053

Violation Final Penalty Total \$6,420

This violation Final Assessed Penalty (adjusted for limits) \$6,420

**Economic Benefit Worksheet**

Respondent City of Springtown  
 Case ID No. 17870  
 Reg. Ent. Reference No. RN101920445  
 Additional ID No(s). WQ Permit No. 10649-001  
 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	Onetime Costs	EB Amount
<b>Delayed Costs</b>							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				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

<b>Avoided Costs</b>							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Item	Cost	Date	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$1,000	01-Mar-2003	01-Mar-2004	1.0	\$50	\$1,003	\$1,053
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  
 Estimated cost of additional oversight and sampling which might have reduced or alleviated the exceedances. Final date is the date the Respondent returned to compliance.

Approx. Cost of Compliance  TOTAL

**Effluent Limit Violation Table**

Table rev. 12/11/2000

Respondent	City of Springtown	
IID Number(s)	CCEDS Case No. 17870; WQ Permit No. 10649-001	
Docket Number	2004-1138-MWD-E	
Dist. Coordinator	Mike Limos	
Corresponds to Violation Number(s)	1 and 2	

EFFLUENT PARAMETER  
Permit Limit

Month/Year	TSS, daily average concentration 15.0 mg/L	NH3-N, daily average concentration 2.0 mg/L	BOD5, daily average concentration 10 mg/L									
March 2003	16.8	c	c									
August 2003	c		9.28	c								
September 2003	c		2.69	c								
October 2003	c		2.19	c								
November 2003	29.1		5.06		10.1							
December 2003	16.5		9		11.7							
January 2004	21.3	c			14.8							

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: CN600638738 City of Springtown Classification: AVERAGE Rating: 2.120

Regulated Entity: RN101920445 CITY OF SPRINGTOWN Classification: AVERAGE Site Rating: 2.12

ID Number(s):  
WASTEWATER PERMIT TPDES0032646  
WASTEWATER PERMIT WQ0010649001  
WASTEWATER LICENSING LICENSE WQ0010649001  
UTILITIES REGISTRATION 12397

Location: LOCATED 4600 FT E OF SPRING BRANCH TRAIL AND 3RD STREET IN PARKER COUNTY Rating Date: 9/1/03 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: August 17, 2004

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: June 18, 1999 to June 18, 2004

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History  
Name: Mike Limos Phone: (512) 239-5839

## 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.

Effective Date: 1/7/02 ADMINORDER 2000-1401-MWD-E  
Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
TWC Chapter 26 26.121  
Citation: 2.A - 2.B. PERMIT  
Description: Failure to comply with permit limits for total ammonia nitrogen.

Effective Date: 11/2/03 ADMINORDER 2003-0253-PWS-E  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.44(d)[G]  
Description: Failure to design and maintain a water distribution system to provide at all points w/in the distribution network a minimum pressure of 35 psi at flow rates of 1.5 gpm per connection and 20 psi under fire/drinking water flow conditions.  
Classification: Moderate  
Citation: 30 TAC Chapter 290, SubChapter D 290.45(b)(1)(C)(iv)  
4G THC Chapter 321, SubChapter D 341.0315(c)  
Description: Failure to meet agency's MWSCR. Elevated storage capacity of 100 gal per connection or pressure tank capacity of 20 gal per connection must be provided.

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

N/A

- C. Chronic excessive emissions events.

N/A

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

1 03/02/2001 (113581)

2 02/28/2000 (178625)  
3 02/26/2001 (178626)  
4 02/25/2002 (178627)  
5 02/24/2003 (178628)  
6 03/26/2001 (178629)  
7 03/27/2002 (178630)  
8 04/04/2003 (178631)  
9 05/04/2000 (178632)  
10 05/01/2000 (178633)  
11 04/26/2001 (178634)  
12 04/25/2002 (178635)  
13 05/12/2003 (178636)  
14 06/02/2000 (178637)  
15 05/31/2001 (178638)  
16 03/05/2003 (281339)  
17 05/24/2002 (178639)  
18 06/05/2003 (178640)  
19 06/27/2000 (178641)  
20 06/20/2001 (178642)  
21 06/25/2002 (178643)  
22 06/30/2003 (178644)  
23 07/21/2000 (178645)  
24 01/31/2000 (IE0008240002001)  
25 07/27/2001 (178646)  
26 07/25/2002 (178647)  
27 08/29/2000 (178648)  
28 08/21/2001 (178649)  
29 08/28/2002 (178650)  
30 09/28/2000 (178651)  
31 09/19/2001 (178652)  
32 09/23/2002 (178653)  
33 10/23/2000 (178654)  
34 12/17/2001 (178655)  
35 10/28/2002 (178656)  
36 12/18/2003 (258109)  
37 10/25/1999 (178657)  
38 11/22/2000 (178658)  
39 11/26/2001 (178659)  
40 11/18/2002 (178660)  
41 11/29/1999 (178661)  
42 12/19/2000 (178662)  
43 03/24/2003 (11061)  
44 12/27/2001 (178663)  
45 12/30/2002 (178664)  
46 12/31/1999 (178665)  
47 01/26/2001 (178666)  
48 01/14/2003 (246916)  
49 01/28/2002 (178667)  
50 03/06/2003 (178668)  
51 01/24/2000 (178669)  
52 10/26/2000 (246917)  
53 11/21/2002 (IE0019026001001)

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

Date: 03/20/2003 (11061)

Self Report? NO

Classification: Minor

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

Description: Failure to retain copy of Annual Sludge Report on site.

Self Report? NO Classification: Minor  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: Failure to maintain chlorine minimum of 1.0mg/L as required by permit

Date: 01/31/2000 (178625)  
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 (178627)  
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: 02/29/2000 (178632)  
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: 03/31/2001 (178634)  
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 (178636)  
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 (178639)  
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: 09/30/2000 (178654)  
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: 12/31/1999 (178669)  
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: 01/14/2003 (246916)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
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: 10/26/2000 (246917)  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
Self Report? NO Classification: Moderate  
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
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Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Description: NON-RPT VIOS FOR MONIT PER OR PIPE  
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: 01/31/2004 (303981)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter.

Date: 08/31/2003 (303995)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (303998)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (303999)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (304000)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (304001)  
Self Report? YES Classification: Moderate  
Citation: COH Violation 26.121(a)[G]  
COH Violation 305.125(1)  
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF SPRINGTOWN,  
RN101920445

§  
§  
§  
§  
§  
§

BEFORE THE  
  
TEXAS COMMISSION ON  
  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2004-1138-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a domestic wastewater treatment plant located 4600 feet east of the intersection of Spring Branch Trail and Third Street, Springtown, Parker County, Texas (the "Facility").
2. This Agreed Order is entered into pursuant to TEX. WATER CODE §§ 7.051 and 7.070. The Commission has jurisdiction of this matter pursuant to TEX. WATER CODE § 5.013 because it alleges violations of TEX. WATER CODE ch. 26 and TCEQ rules.
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 July 13, 2004.
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 six thousand four hundred twenty dollars (\$6,420.00) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Six thousand four hundred twenty dollars (\$6,420.00) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP") as 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.
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

The City is alleged to have violated 30 TEX. ADMIN. CODE § 305.125(1); WQ Permit No. 10649-001, Effluent Limitations and Monitoring Requirements; and TEX. WATER CODE § 26.121(a) by failing to comply with the permitted effluent limits for Total Suspended Solids, Total Ammonia Nitrogen and CBOD5 as documented on June 18, 2004 and as detailed in the Effluent Limit Violation table below:

**EFFLUENT PARAMETER**  
**Permit Limit**

	TSS, daily average concentration	NH3-N, daily average concentration	BOD5, daily average concentration
<i>Month/Year</i>	15.0 mg/L	2.0 mg/L	10 mg/L
March 2003	16.8	c	c
August 2003	c	9.28	c
September 2003	c	2.69	c
October 2003	c	2.19	c
November 2003	29.1	5.06	10.1
December 2003	16.5	9	11.7
January 2004	21.3	c	14.8

**III. DENIALS**

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

**IV. ORDER**

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from considering or requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "Re: The City of Springtown, Docket No. 2004-1138-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

2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6, six thousand four hundred twenty dollars (\$6,420.00) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment "A", incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The City shall undertake the following technical requirements:
  - a. Within 45 days after the effective date of this Agreed Order, the City shall come into compliance with TPDES Permit No. 10649-001 Effluent Limits and Monitoring Requirements and
  - b. Within 60 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with Ordering Provision 3.a. to:

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

and

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

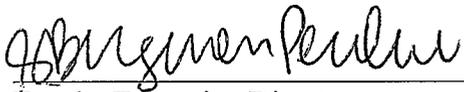
4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering 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) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission



\_\_\_\_\_  
For the Executive Director

12/2/07

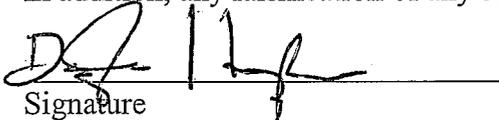
\_\_\_\_\_  
Date

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

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

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

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

  
\_\_\_\_\_  
Signature

10-18-2007  
\_\_\_\_\_  
Date

Doug Hughes  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized representative of  
The City of Springtown

Mayor  
\_\_\_\_\_  
Title

Attachment A

Docket Number: 2004-1138-MWD-E

**SUPPLEMENTAL ENVIRONMENTAL PROJECT**

**Respondent:** City of Springtown  
**Penalty Amount:** Six Thousand Four Hundred Twenty Dollars (\$6,420)  
**SEP Offset Amount:** Six Thousand Four Hundred Twenty Dollars (\$6,420)  
**Type of SEP:** Custom  
**Location of SEP:** Parker 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, through a licensed professional installer, construct a compressed natural gas ("CNG") fueling station and convert at least two of its existing fleet of diesel and regular gasoline powered vehicles to natural gas fueled vehicles. The Respondent shall use SEP funds to pay for the direct cost of the CNG fueling station installation and the cost of conversion of the vehicles and will not use SEP funds for administrative costs or for purchasing fuel. The Respondent shall continue the operation of the CNG fueling station and the use of CNG fuel in its converted vehicles for a minimum of three years following the effective date of this Agreed Order.

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. The Respondent further certifies that any resale of CNG to other entities will be used only to support the use of alternative fuels and continuation of the fueling station, and will not be used for profit.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by using cleaner fuel technology in the city's fleet vehicles, reducing particulate emissions, hydrocarbons (HC), and nitrogen oxides (NOx). Cleaner fuels contribute to a reduction in both air and water quality pollutants. Generally, natural gas vehicles can be expected to provide a 70% reduction in carbon monoxide, 87% reduction in NOx, and 87% reduction in non-methane organic gases over traditional gasoline combustion engines.

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 SEP. The Respondent understands that performance of this SEP may cost more than the Offset Amount to complete.

**2. Performance Schedule**

Within 30 days after the effective date of this Agreed Order, the Respondent shall begin implementation of this SEP. The installation of the fueling station shall be completed within one year after the effective date of this Agreed Order.

**3. Reporting**

A. Progress Reports

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

B. Final Report

Within 60 days after the three year period immediately following the effective date of this Agreed Order, 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 estimated quantifiable environmental benefits;
4. Map showing specific location of the facility;
5. The number of City vehicles actually converted to CNG fuel capability;
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

City of Springtown  
Agreed Order – Attachment A 2004-1138-MWD-E

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.

**5. Failure to Fully Perform**

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

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

Texas Commission on Environmental Quality  
Attention: SEP Coordinator, MC 175  
P.O. Box 13088  
Austin, Texas 78711-3088

**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 a SEP for the Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.