

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

Page 1 of 4

DOCKET NO.: 2005-1747-MWD-E **TCEQ ID:** RN102095437 **CASE NO.:** 27015**RESPONDENT NAME:** City of Joaquin

ORDER TYPE:		
<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	
CASE TYPE:		
<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>SITE WHERE VIOLATION(S) OCCURRED: City of Joaquin WWTP, located approximately 2,700 feet northeast of the intersection of Jackson Street and U. S. Highway 84, Joaquin, Shelby County</p> <p>TYPE OF OPERATION: Wastewater treatment</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 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 Steve Hughes, Mayor, City of Joaquin, P. O. Box 237, Joaquin, Texas 75954 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: May 26, 2005</p> <p>Date of NOE Relating to this Case: July 22, 2005 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to prevent unauthorized discharges [30 TEX. ADMIN. CODE § 305.125(5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12718001 Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failure to install and maintain the appropriate staff gauge. Specifically, the Respondent is using a non-standard staff gauge constructed of stainless steel plate and graduations constructed of stainless steel pegs [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d) and TPDES Permit No. 12718001 Monitoring and Reporting Requirements No. 2].</p> <p>3) Failure to maintain complete records of monitoring activities [30 TEX. ADMIN. CODE §§ 305.125(11)(c) and 319.7(a) and TPDES Permit No. 12718001 Monitoring and Reporting Requirements No. 3(c)].</p> <p>4) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Wood Road lift station fence had a gap under it and the barbed wire was damaged in some spots; the East Saddle Street lift station fence had a gap under it; and the Faulkville Road lift station had potable water leaking from a damaged pipe [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(e)(4)(C) and</p>	<p>Total Assessed: \$92,040</p> <p>Total Deferred: \$18,408 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$73,632</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent submitted documentation on or about June 30, 2005 that the following corrective actions had been completed at the Facility:</p> <p>a) Filled in the gap under the fence at the Wood Road lift station;</p> <p>b) Repaired the barbed wire on the Wood Road lift station fence;</p> <p>c) Filled in the gap under the fence at the East Saddle Street lift station;</p> <p>d) Repaired the potable pipe at the Faulkville Road lift station; and</p> <p>e) Submitted a corrected copy of the January 2004 DMR.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will require the Respondent to:</p> <p>a) Immediately upon the effective date of this Agreed Order, commence operating the Facility under the direct supervision of a properly certified operator at all times;</p> <p>b) Immediately upon the effective date of this Agreed Order, begin maintaining complete records of monitoring activities and begin properly filling out the chain of custody tags;</p> <p>c) Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a and 2.b;</p> <p>d) Within 30 days after the effective date of this Agreed Order, repair or replace the leaking check valve in the East Saddle</p>

<p>TPDES Permit No. 12718001 Operational Requirements No. 1].</p> <p>5) Failure to implement adequate process control testing [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 12718001 Operational Requirements No. 1].</p> <p>6) Failure to install soil moisture monitoring sensors [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12718001 Other Requirements No. 8(g)].</p> <p>7) Failure to report the correct analytical results on the January 2004 Discharge Monitoring Report ("DMR") [30 TEX. ADMIN. CODE §§ 305.125(12) and 319.7(c) and TPDES Permit No. 12718001 Permit Conditions No. 1(a)].</p> <p>8) Failure to obtain authorization to commence construction of additional treatment and/or collection facilities upon reaching 90% of the permitted daily average flow for four consecutive months [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. 12718001 Operational Requirements Nos. 1 and 8(a)].</p> <p>9) Failure to ensure that all systems of collection, treatment, and disposal are operated and maintained. Specifically, the Respondent has an inflow and infiltration ("I/I") problem that is not being addressed. Sections of the clay pipes were installed too deep, are in poor condition, and portions have been partially crushed, thus contributing to high flows and effluent violations [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 12718001 Operational Requirements No. 1].</p> <p>10) Failure to have an atmospheric vacuum breaker installed on the hose bib in the Facility [30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i) and TPDES Permit No. 12718001 Operational Requirements No. 1].</p> <p>11) Failure to submit the annual sludge reports (for the periods September 1, 2001 through August 31, 2002; September 1, 2002 through August 31, 2003; and September 1, 2003 through August 31, 2004) by September 1 of 2002, 2003, and 2004 [30 TEX. ADMIN. CODE §§ 305.125(1) and 305.125(17) and TPDES Permit No. 12718001 Sludge Provisions Section II Subsection F].</p>		<p>Street lift station;</p> <p>e) Within 30 days after the effective date of this Agreed Order, begin using an appropriate staff gauge;</p> <p>f) Within 30 days after the effective date of this Agreed Order, install an atmospheric vacuum breaker on the Facility's hose bib;</p> <p>g) Within 30 days after the effective date of this Agreed Order, remove and properly dispose of the grease in the Brookshire Brothers lift station and all sludge deposits in the receiving stream;</p> <p>h) Within 30 days after the effective date of this Agreed Order, submit the annual sludge reports (for the periods September 1, 2001 through August 31, 2002; September 1, 2002 through August 31, 2003; and September 1, 2003 through August 31, 2004) in accordance with the requirements of TPDES Permit No. 12718001 Sludge Provisions;</p> <p>i) Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.d through 2.h, in accordance with Ordering Provision 2.p;</p> <p>j) Within 60 days after the effective date of this Agreed Order, repair and/or replace the high level alarms in the Wood Road, East Saddle Street, Brookshire Brothers, and on-site lift stations. Also, repair and/or replace the inoperable pumps in the Faulkville Road and Brookshire Brothers lift stations;</p> <p>k) Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a person holding a valid Texas Class "A" Level Certificate of Competency. In addition, begin maintaining organized, written records of the process control tests results for a period of three years at the plant site in a daily log book and/or checklist and shall be made available to</p>
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<p>12) Failure to maintain records of the agronomic loading rate [30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. 12718001 Sludge Provisions Section II Subsection E. 6].</p> <p>13) Failure to prevent the discharge and accumulation of sludge in the receiving stream [30 TEX. ADMIN. CODE § 305.125(5), TPDES Permit No. 12718001 Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a)].</p> <p>14) Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the high level alarm was not working in the Wood Road, East Saddle Street, Brookshire Brothers, and the on-site lift stations. The Faulkville Road and Brookshire Brothers lift stations both had only one working pump and the Brookshire Brothers lift station contained an excessive amount of grease [30 TEX. ADMIN. CODE §§ 317.3(b)(1) and 317.3(e)(5) and TPDES Permit No. 12718001 Operational Requirements No. 1].</p> <p>15) Allowed an unlicensed person to operate the Facility [30 TEX. ADMIN. CODE § 30.350(d)].</p>		<p>TCEQ representatives upon request;</p> <p>l) Within 90 days after the effective date of this Agreed Order, the engineer or person holding a valid Texas Class "A" Level Certificate of Competency shall review the SMP in the field with the Respondent's Facility operator(s);</p> <p>m) Within 90 days after the effective date of this Agreed Order, install soil moisture monitoring sensors at the Facility's land application site;</p> <p>n) Within 90 days after the effective date of this Agreed Order, conduct comprehensive Sewer System Evaluation Survey ("SSES") of the Facility's treatment units, collection system lines, and lift stations. The SSES shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:</p> <ul style="list-style-type: none">i. Emphasis on locating all inflow sources including rainfall induced infiltration.ii. Recommendations resulting from the above SSES, which include improvements, repair, replacement, and/or rehabilitation of the collection system lines and lift stations to eliminate unauthorized discharges, shall be included in the report. The report shall include a schedule with dates for obtaining permit amendments, approval of plans, specifications, implementation, and completion of the project. Upon Executive Director approval, or approval with modifications, the report shall be implemented in accordance with the approved schedule. <p>o) Within 115 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.j through 2.n; and</p> <p>p) The written certification of compliance required by Ordering Provision Nos. 2.c, 2.i, and 2.o shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p>
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Additional ID No(s): None

Attachment A
Docket Number: 2005-1747-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Joaquin

Payable Penalty Amount: Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632)

SEP Amount: Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632)

Type of SEP: Pre-approved

Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance

Location of SEP: Shelby County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of Three Thousand Sixty-Eight Dollars (\$3,068) followed by 23 payments of Three Thousand Sixty-Eight Dollars (\$3,068) for a total of Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632). The Respondent shall mail a copy of the Final Agreed Order along with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

Thereafter, Respondent shall make each additional contribution by the 15th day of each month.

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

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

City of Joaquin
Agreed Order – Attachment A

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 19, 2005

DATES	Assigned PCW	25-Jul-2005 30-Dec-2005	Screening	06-Oct-2005	EPA Due	
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RESPONDENT/FACILITY INFORMATION	
Respondent	City of Joaquin
Reg. Ent. Ref. No.	RN102095437
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	27015	No. of Violations	14
Docket No.	2005-1747-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7**

195% Enhancement

Notes

The Respondent received an Agreed Order, Docket Number 2004-0524-MWD-E effective May 23, 2005, two NOVs for related violations, and has 33 months of self-reported effluent violations.

Culpability

No

0% Enhancement

Subtotal 4

Notes

The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply

0% Reduction

Subtotal 5

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

Total EB Amounts

\$8,175

Approx. Cost of Compliance

\$41,595

*Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7

Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE

Adjustment

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT

Final Assessed Penalty

DEFERRAL

20% Reduction

Adjustment

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

Notes

Deferral offered for expedited settlement.

PAYABLE PENALTY

Screening Date 06-Oct-2005 **Docket No.** 2005-1747-MWD-E **PCW**
Respondent City of Joaquin *Policy Revision 2 (September 2002)*
Case ID No. 27015 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	35	175%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 195%

>> **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 an Agreed Order, Docket Number 2004-0524-MWD-E effective May 23, 2005, two NOVs for related violations, and has 33 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 195%

Screening Date 06-Oct-2005	Docket No. 2005-1747-MWD-E	PCW
Respondent City of Joaquin	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 27015	<i>PCW Revision May 19, 2005</i>	
Reg. Ent. Reference No. RN102095437		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.125(5), TPDES Permit No. 12718001 Permit Conditions No. 2(g), and Tex. Water Code § 26.121(a)"/>	
Secondary Rule Cite(s)	<input type="text"/>	
Violation Description	<input type="text" value="Failure to prevent unauthorized discharges. Specifically, an unauthorized discharge occurred on May 26, 2005 at the East Saddle Street lift station from a leaking check valve, as documented during the May 26, 2005 investigation."/>	
Base Penalty		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

		Major	Moderate	Minor	
	Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="Human health or the environment has been exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation."/>				

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

daily	<input type="text"/>
monthly	<input type="text"/>
quarterly	<input type="text"/>
semiannual	<input type="text"/>
annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 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	\$3,000	26-May-2005	01-Sep-2006	1.3	\$13	\$254	\$266
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: This is the estimated cost to repair the check valve leak in the East Saddle Street lift station. The date required is the date the violation occurred and the final date is the anticipated compliance date.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$3,000**

TOTAL \$266

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(d), and TPDES Permit No. 12718001 Monitoring and Reporting Requirements No. 2

Secondary Rule Cite(s)

Violation Description Failure to install and maintain the appropriate staff gauge. Specifically, the Respondent is using a non-standard staff gauge constructed of stainless steel plate and graduations constructed of stainless steel pegs, as documented during the May 26, 2005 investigation.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$100	26-May-2005	01-Sep-2006	1.3	\$0	\$8	\$9
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

This is the estimated cost to install an appropriate staff gauge. The date required is the date of the investigation and the final date is the anticipated compliance date.

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

TOTAL

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(11)(c), 319.7(a), and TPDES Permit No. 12718001 Monitoring and Reporting Requirements No. 3(c)

Secondary Rule Cite(s)

Violation Description

Failure to maintain complete records of monitoring activities. Specifically, the operator failed to maintain calibration logs for dissolved oxygen ("DO") and failed to complete the chain of custody ("COC") tags. The COC tags were inconsistent in recording the time, analyses requested, flow, and if a sample was preserved. During the month of February 2005, the operator was making determinations for DO, but was not maintaining records of calibrations.

Base Penalty

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

		Harm		
Release		Major	Moderate	Minor
OR	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

20% of the rule requirement was not met.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$125	01-Feb-2005	01-Sep-2006	1.6	\$10	n/a	\$10
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to take a basic wastewater laboratory class to learn proper laboratory procedures and protocol for collection and analysis of wastewater samples. The date required is when the violations first occurred and the final date is the anticipated compliance date.

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 **\$125** **TOTAL \$10**

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

30 Tex. Admin. Code §§ 305.125(5), 317.3(e)(4)(C), and TPDES Permit No. 12718001 Operational Requirements No. 1

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the Wood Road lift station fence had a gap under it and the barbed wire was damaged in some spots; the East Saddle Street lift station fence had a gap under it; and the Faulkville Road lift station had potable water leaking from a damaged pipe, as documented during the May 26, 2005 investigation.

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Three single events are recommended (one event for each lift station).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$750	26-May-2005	30-Jun-2005	0.1	\$0	\$5	\$5
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: This is the estimated cost to repair the leaking pipe at the Faulkyille Road lift station and to repair the fences at the Wood Road and East Saddle Street lift stations. The date required is the investigation date and the final date is the date compliance documentation was submitted to the TCEQ Beaumont Office.

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 **\$750** TOTAL **\$5**

Screening Date 06-Oct-2005 **Docket No.** 2005-1747-MWD-E **PCW**
Respondent City of Joaquin *Policy Revision 2 (September 2002)*
Case ID No. 27015 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell
Violation Number 5

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. 12718001
 Operational Requirements No. 1
Secondary Rule Cite(s)

Violation Description Failure to implement adequate process control testing. Specifically, the operator is performing these process control tests: sludge blanket depth monitoring, SV30, pH, and DO. There are no records maintained of the tests performed and the testing frequency could not be determined during the May 26, 2005 investigation.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				10%
Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 2

<i>mark only one use a small x</i>	daily	
	monthly	
	quarterly	X
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended from the investigation date (May 26, 2005) to the screening date (October 6, 2005).

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$5,900

This violation Final Assessed Penalty (adjusted for limits) \$5,900

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0
Notes for DELAYED costs	See economic benefit for violation no. 3.						

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

TOTAL

Screening Date	06-Oct-2005	Docket No.	2005-1747-MWD-E	PCW
Respondent	City of Joaquin	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	27015	<i>PCW Revision May 19, 2005</i>		
Reg. Ent. Reference No.	RN102095437			
Media [Statute]	Water Quality			
Enf. Coordinator	Pamela Campbell			
Violation Number	6			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12718001 Other Requirements No. 8(g)			
Secondary Rule Cite(s)				
Violation Description	Failure to install soil moisture monitoring sensors. Specifically, the Respondent failed to install soil moisture monitoring sensors at the land application site required by the permit, as documented during the May 26, 2005 investigation.			
Base Penalty				\$10,000

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

		Harm			
Release		Major	Moderate	Minor	
Actual					Percent 5%
Potential				X	

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
				Percent

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,500

Base Penalty Subtotal \$500

Violation Events

Number of Violation Events 1

	daily	
	monthly	
<i>mark only one</i>	quarterly	
<i>use a small x</i>	semiannual	
	annual	
	single event	X

Violation Base Penalty \$500

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$1,530

Statutory Limit Test

Violation Final Penalty Total \$1,475

This violation Final Assessed Penalty (adjusted for limits) \$1,475

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$5,000	19-Apr-2002	01-Sep-2006	4.4	\$73	\$1,458	\$1,530
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to install soil moisture monitoring sensors at the land application site. The date required is the effective date of the TPDES permit and the final date is the anticipated date of 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 \$1,530

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

30 Tex. Admin. Code §§ 305.125(12), 319.7(c) and TPDES Permit No. 12718001 Permit Conditions No. 1(a)

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

Failure to report the correct analytical results on the discharge monitoring report ("DMR"). Specifically, the Respondent entered the incorrect loading results for carbonaceous biochemical oxygen demand, ammonia nitrogen, and total suspended solids on the January 2004 DMR, as documented during the May 26, 2005 investigation.

Base Penalty

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

OR

Release	Harm		
	Major	Moderate	Minor
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>

Percent

>> **Programmatic Matrix**

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

Percent

Matrix Notes

20% of the rule requirement was not met.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$10	26-May-2005	30-Jun-2005	0.1	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to correct the January 2004 DMR. The date required is the investigation date and the final date is the date of 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

TOTAL

Screening Date	06-Oct-2005	Docket No.	2005-1747-MWD-E	PCW
Respondent	City of Joaquin	Policy Revision 2 (September 2002)		
Case ID No.	27015	PCW Revision May 19, 2005		
Reg. Ent. Reference No.	RN102095437			
Media [Statute]	Water Quality			
Enf. Coordinator	Pamela Campbell			
Violation Number	8			
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and 305.126(a), TPDES Permit No. 12718001 Operational Requirements Nos. 1 and 8(a)			
Secondary Rule Cite(s)				
Violation Description	Failure to obtain authorization to commence construction of additional treatment and/or collection facilities upon reaching 90% of the permitted daily average flow for four consecutive months. Specifically, the Facility reached 90% of the permitted daily average flow from December 2003 through March 2004, as documented during the May 26, 2005 investigation.			

Base Penalty \$10,000

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

		Harm			
	Release	Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
		X			Percent 10%

Matrix Notes 100% of this rule requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$3,855

Statutory Limit Test

Violation Final Penalty Total \$2,950

This violation Final Assessed Penalty (adjusted for limits) \$2,950

Economic Benefit Worksheet

Respondent City of Joaquin
Case ID No. 27015
Reg. Ent. Reference No. RN102095437
Media [Statute] Water Quality
Violation No. 8

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$20,000	01-Dec-2003	01-Sep-2006	2.8	\$184	\$3,671	\$3,855
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to prepare an engineering study of the collection system, obtain TCEQ approval, and commence construction of necessary repairs/rehabilitation to bring the collection system into compliance. The date required is the date the violations began and the final date is the anticipated date of 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 \$20,000
TOTAL \$3,855

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. 12718001
Operational Requirements No. 1

Failure to ensure that all systems of collection, treatment, and disposal are operated and maintained. Specifically, the Respondent has an inflow and infiltration ("I/I") problem that is not being addressed. Sections of the clay pipes were installed too deep, are in poor condition, and portions have been partially crushed, thus contributing to high flows and effluent violations.

Base Penalty

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

OR

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

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment could or will be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two quarterly events are recommended from the investigation date (May 26, 2005) to the screening date (October 6, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs: See economic benefit for violation no. 8.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 10

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i), and TPDES Permit No. 12718001 Operational Requirements No. 1

Secondary Rule Cite(s)

Violation Description Failure to have an atmospheric vacuum breaker installed on the hose bib in the Facility, as documented during the May 26, 2005 investigation.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> **Programmatic Matrix**

	Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment could or will be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

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

Two quarterly events are recommended from the investigation date (May 26, 2005) to the screening date (October 6, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$44

Violation Final Penalty Total \$5,900

This violation Final Assessed Penalty (adjusted for limits) \$5,900

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 10

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$500	26-May-2005	01-Sep-2006	1.3	\$2	\$42	\$44
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: This is the estimated cost to install an atmospheric vacuum breaker on the hose bib at the Facility. The date required is the investigation date and the final date is the anticipated compliance date.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance

TOTAL

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 11

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code §§ 305.125(1), (11)(B), and (17) and TPDES Permit No. 12718001 Sludge Provisions Section II Subsections E, 6 and F

Failure to submit the annual sludge reports (for the periods September 1, 2001 through August 31, 2002, September 1, 2002 through August 31, 2003, and September 1, 2003 through August 31, 2004) by September 1 of 2002, 2003, and 2004. Also, failure to maintain records of the agronomic loading rate, as documented during the May 26, 2005 investigation. Specifically, it was noted that the Respondent did not have sludge disposal records showing how much sludge was applied to the two land application sites.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	x			10%

Matrix Notes

100% of the rule requirement was not met.

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	
	semiannual	
	annual	x
	single event	

Violation Base Penalty \$3,000

Three annual events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$142

Violation Final Penalty Total \$8,850

This violation Final Assessed Penalty (adjusted for limits) \$8,850

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 11

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	01-Sep-2002	01-Sep-2006	4.0	\$7	\$133	\$140
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$10	01-Sep-2002	01-Sep-2006	4.0	\$2	n/a	\$2
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to conduct the required analysis of sludge, make a copy of the results, maintain sludge disposal records at the Facility, and mail the original sludge reports to the TCEQ. The date required is the date that the 2002 annual sludge report was due and the final date is the anticipated compliance date.

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

TOTAL

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s)

Secondary Rule Cite(s)

Violation Description

30 Tex. Admin. Code § 305.125(5), TPDES Permit No. 12718001 Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(g), and Tex. Water Code § 26.121(a)

Failure to prevent the discharge and accumulation of sludge in the receiving stream, as documented during the May 26, 2005 investigation. Specifically, the receiving stream had a sandy bottom with a heavy accumulation of sludge. The sludge deposits were about one inch deep. Sediment samples collected 9 yards and 15 yards downstream from the outfall showed increased concentrations of ammonia nitrogen ("NH₃N") and total Kjeldahl nitrogen ("TKN"). The results 9 yards downstream for NH₃N and TKN were 6.63 milligrams per liter ("mg/L") and 10.3 mg/L, respectively. The results 15 yards downstream for NH₃N and TKN were 8.91 mg/L and 13.4 mg/L, respectively.

Base Penalty

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual		X		Percent <input type="text" value="25%"/>
	Potential				

>> **Programmatic Matrix**

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

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Two quarterly events are recommended from the investigation date (May 26, 2005) to the screening date (October 6, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$500	26-May-2005	01-Sep-2006	1.3	\$32	n/a	\$32
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: This is the estimated cost to remove and properly dispose of the sludge deposits in the receiving stream. The date required is the investigation date and the final date is the anticipated compliance date.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Avoided Costs							
ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)							
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.0	\$0	\$0	\$0
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs:

Approx. Cost of Compliance **\$500** TOTAL **\$32**

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 13

Primary Rule Cite(s)

30 Tex. Admin. Code § 317.3(b)(1), 317.3(e)(5), and TPDES Permit No. 12718001 Operational Requirements No. 1

Secondary Rule Cite(s)

Violation Description

Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, as documented during the May 26, 2005 investigation. Specifically, the high level alarm was not working in the Wood Road, East Saddle Street, Brookshire Brothers, Faulkville Road, and the on-site lift stations. The Faulkville Road and Brookshire Brothers lift stations both had only one working pump and the Brookshire Brothers lift station contained an excessive amount of grease.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent 10%
	Potential		X		

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 10

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

Violation Base Penalty \$10,000

Ten quarterly events (two per lift station) are recommended from the investigation date (May 26, 2005) to the screening date (October 6, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$95

Violation Final Penalty Total \$29,500

This violation Final Assessed Penalty (adjusted for limits) \$29,500

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 13

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$1,000	26-May-2005	01-Sep-2006	1.3	\$4	\$85	\$89
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	\$100	26-May-2005	01-Sep-2006	1.3	\$6	n/a	\$6
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: These are the estimated costs to repair the back up pumps in the lift stations, remove and properly dispose of grease in the Brookshire Brothers lift station, and to repair the high level alarms in the lift stations. The date required is the investigation date and the final date is the anticipated compliance date.

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

Notes for AVOIDED costs

Approx. Cost of Compliance

TOTAL

Screening Date 06-Oct-2005

Docket No. 2005-1747-MWD-E

PCW

Respondent City of Joaquin

Policy Revision 2 (September 2002)

Case ID No. 27015

PCW Revision May 19, 2005

Reg. Ent. Reference No. RN102095437

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number

Primary Rule Cite(s)

30 Tex. Admin. Code § 30.350(d)

Secondary Rule Cite(s)

Violation Description

Allowing an unlicensed person to operate the Facility, as documented during the May 26, 2005 investigation. Specifically, the operator in training (who has been an operator in training for two years) has been performing operations and maintenance duties without holding a wastewater operators license as required.

Base Penalty

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

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="25%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> **Programmatic Matrix**

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

Matrix Notes

Human health or the environment will or could be exposed to significant amounts of pollutants that would exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One quarterly event is recommended from the investigation date (May 26, 2005) to the date the operator in training terminated employment with the Respondent (August 10, 2005).

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Joaquin
 Case ID No. 27015
 Reg. Ent. Reference No. RN102095437
 Media [Statute] Water Quality
 Violation No. 14

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.0	\$0	\$0	\$0
Personnel	\$10,000	26-May-2005	10-Aug-2005	0.2	\$104	\$2,082	\$2,186
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

This is the estimated cost to employ a properly certified wastewater treatment plant operator to provide adequate operations and maintenance of the Facility. The date required is the investigation date and the final date is the date that the operator in training terminated employment with the Respondent.

Approx. Cost of Compliance **\$10,000**

TOTAL \$2,186

Compliance History

Customer/Respondent/Owner-Operator: CN600667182 City of Joaquin Classification: AVERAGE Rating: 2.41

Regulated Entity: RN102095437 CITY OF JOAQUIN WWTP Classification: AVERAGE Site Rating: 2.41

ID Number(s): WASTEWATER PERMIT WQ0012718001
 WASTEWATER PERMIT TPDES0069213
 WASTEWATER LICENSING LICENSE WQ0012718001

Location: APPROXIMATELY 2,700 FEET Rating Date: September 01 05 Repeat Violator:
 NORTHEAST OF THE INTERSECTION NO
 OF JACKSON STREET AND U. S.
 HIGHWAY 84 IN THE CITY OF JOAQUIN
 IN SHELBY CO TX

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Prepared: November 28, 2005

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: November 28, 2000 to November 28, 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.
 Effective Date: 5/23/2005 12:00:00AM ADMINORDER 2004-0524-MWD-E
 Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: Effluent Limits PERMIT
 Description: failed to comply with permitted effluent limitations.
- B. Any criminal convictions of the state of Texas and the federal government.
 N/A
- C. Chronic excessive emissions events.
 N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- | | | |
|-----|------------|----------|
| 1. | 02/20/2001 | (195698) |
| 2. | 02/25/2002 | (195699) |
| 3. | 02/24/2003 | (195700) |
| 4. | 02/26/2001 | (195701) |
| 5. | 03/16/2001 | (195702) |
| 6. | 03/25/2002 | (195703) |
| 7. | 03/27/2003 | (195704) |
| 8. | 04/16/2001 | (195707) |
| 9. | 02/23/2004 | (311327) |
| 10. | 07/22/2005 | (397491) |
| 11. | 04/22/2002 | (195708) |
| 12. | 05/12/2003 | (195709) |

13.	03/22/2004	(311330)
14.	04/26/2004	(311331)
15.	05/23/2001	(195711)
16.	05/22/2002	(195712)
17.	05/24/2004	(311333)
18.	01/05/2004	(257998)
19.	05/27/2003	(195713)
20.	06/14/2004	(311335)
21.	06/15/2001	(195715)
22.	07/18/2003	(311337)
23.	06/24/2002	(195716)
24.	06/30/2003	(195717)
25.	08/22/2003	(311339)
26.	07/12/2001	(195719)
27.	07/22/2002	(195720)
28.	08/20/2001	(195722)
29.	09/26/2003	(311341)
30.	08/19/2002	(195723)
31.	02/20/2001	(358543)
32.	10/28/2003	(311343)
33.	09/12/2001	(195725)
34.	07/16/2004	(358544)
35.	09/20/2002	(195726)
36.	11/24/2003	(311344)
37.	08/26/2004	(358545)
38.	09/10/2004	(358546)
39.	10/19/2001	(195728)
40.	12/22/2003	(311345)
41.	10/21/2004	(358547)
42.	10/10/2002	(195729)
43.	11/18/2004	(358548)
44.	01/16/2004	(311346)
45.	11/19/2001	(195732)
46.	11/25/2002	(195733)
47.	12/22/2000	(195735)
48.	02/21/2005	(385412)
49.	12/27/2001	(195736)
50.	03/21/2005	(385413)
51.	12/30/2002	(195737)
52.	12/21/2004	(385414)
53.	01/24/2005	(385415)
54.	01/23/2001	(195739)
55.	01/17/2002	(195740)
56.	02/12/2001	(247230)
57.	01/21/2003	(195741)
58.	05/16/2002	

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

Date: 01/31/2001 (195698)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (195700)
 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: 02/28/2001 (195702)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2002 (195703)
 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 (195704)
 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 (195707)
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 (311330)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (311331)
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 (195712)
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 (195713)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (311335)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2001 (195715)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (311337)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2003 (195717)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (311339)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2001 (195722)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (311341)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2002 (195723)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (311343)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (311344)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2003 (311345)
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 (311346)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2002 (195733)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2005 (385412)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2001 (195736)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (385413)
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 (195737)
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: 11/30/2004 (385414)
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: 02/12/2001 (247230)
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: 12/31/2004 (385415)
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: 12/31/2000 (195739)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2001 (195740)
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 (195741)
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: 1/31/2004
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/28/2002
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Rqmt Prov: Effluent Limits PERMIT
Description: failed to comply with permitted effluent limitations.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Operational Requirements No. 1
Description: failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Operational Requirements No. 1
Description: failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 317, 317.6(b)(1)(E)
Description: failed to provide forced mechanical ventilation to the chlorine storage building.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Operational Requirements No. 1
Description: failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Operational Requirements No. 1
Description: failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 317, 317.4(a)(8)
Description: failed to have an atmospheric vacuum breaker on the washdown hose in the wastewater treatment plant.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 335, SubChapter A 335.4(i)
Description: failed to prevent the discharge or imminent threat of discharge of industrial solid waste into or adjacent to waters of the state.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Operational Requirements No. 1
Description: failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Monitoring and Reporting Requirements No. 2
Description: failed to ensure that all measurements are accurately accomplished in a representative manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Sludge Provisions Sec. III No. G
Description: failed to submit an annual sludge report to the TNRCC Region 10 office and the Database and Administration Team of the Enforcement Division by September 1 of each year.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Monitoring and Reporting Requirements No. 2

Description: failed to accurately accomplish calculations in a representative manner.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rgmt Prov: Monitoring and Reporting Requirements No. 2
Description: failed to comply with test procedures for the analysis of pollutants as specified in 30 TAC 319.11 - 319.12.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Rgmt Prov: interim Effluent Limitations and Monitoring Requirements No. 3
Description: failed to comply with permitted effluent limits.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Rgmt Prov: Interim Effluent Limitations and Monitoring Requirements No. 4
Description: failed to prevent the discharge of floating solids.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 330, SubChapter A 330.5
Description: failed to properly dispose of waste.

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 JOAQUIN
RN102095437**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-1747-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 Joaquin ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located approximately 2,700 feet northeast of the intersection of Jackson Street and U. S. Highway 84 in Joaquin, Shelby 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 July 27, 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 Ninety-Two Thousand Forty Dollars (\$92,040) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eighteen Thousand Four Hundred Eight Dollars (\$18,408) 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. Seventy-Three Thousand Six Hundred Thirty-Two

Dollars (\$73,632) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City submitted documentation on or about June 30, 2005 that the following corrective actions had been completed at the Facility:
 - a. Filled in the gap under the fence at the Wood Road lift station;
 - b. Repaired the barbed wire on the Wood Road lift station fence;
 - c. Filled in the gap under the fence at the East Saddle Street lift station;
 - d. Repaired the potable pipe at the Faulkville Road lift station; and
 - e. Submitted a corrected copy of the January 2004 discharge monitoring report ("DMR").
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have:

1. Failed to prevent unauthorized discharges, in violation of 30 TEX. ADMIN. CODE § 305.125(5), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12718001 Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 26, 2005.
2. Failed to install and maintain the appropriate staff gauge, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(d), and TPDES Permit No. 12718001 Monitoring and Reporting

Requirements No. 2, as documented during an investigation conducted on May 26, 2005. Specifically, the City is using a non-standard staff gauge constructed of stainless steel plate and graduations constructed of stainless steel pegs.

3. Failed to maintain complete records of monitoring activities, in violation of 30 TEX. ADMIN. CODE §§ 305.125(11)(c) and 319.7(a), and TPDES Permit No. 12718001 Monitoring and Reporting Requirements No. 3(c), as documented during an investigation conducted on May 26, 2005.
4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(e)(4)(C), and TPDES Permit No. 12718001 Operational Requirements No. 1, as documented during an investigation conducted on May 26, 2005. Specifically, the Wood Road lift station fence had a gap under it and the barbed wire was damaged in some spots; the East Saddle Street lift station fence had a gap under it; and the Faulkville Road lift station had potable water leaking from a damaged pipe.
5. Failed to implement adequate process control testing, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 12718001 Operational Requirements No. 1, as documented during an investigation conducted on May 26, 2005.
6. Failed to install soil moisture monitoring sensors, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12718001 Other Requirements No. 8(g), as documented during an investigation conducted on May 26, 2005.
7. Failed to report the correct analytical results on the January 2004 DMR, in violation of 30 TEX. ADMIN. CODE §§ 305.125(12) and 319.7(c) and TPDES Permit No. 12718001 Permit Conditions No. 1(a), as documented during an investigation conducted on May 26, 2005.
8. Failed to obtain authorization to commence construction of additional treatment and/or collection facilities upon reaching 90% of the permitted daily average flow for four consecutive months, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 305.126(a) and TPDES Permit No. 12718001 Operational Requirements Nos. 1 and 8(a), as documented during an investigation conducted on May 26, 2005.
9. Failed to ensure that all systems of collection, treatment, and disposal are operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. 12718001 Operational Requirements No. 1, as documented during an investigation conducted on May 26, 2005. Specifically, the City has an inflow and infiltration (“I/I”) problem that is not being addressed. Sections of the clay pipes were installed too deep, are in poor condition, and portions have been partially crushed, thus contributing to high flows and effluent violations.
10. Failed to have an atmospheric vacuum breaker installed on the hose bib in the Facility, in violation of 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i) and TPDES Permit No. 12718001 Operational Requirements No. 1, as documented during an investigation conducted on May 26, 2005.
11. Failed to submit the annual sludge reports (for the periods September 1, 2001 through August 31, 2002; September 1, 2002 through August 31, 2003; and September 1, 2003 through August 31, 2004)

by September 1 of 2002, 2003, and 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(17) and TPDES Permit No. 12718001 Sludge Provisions Section II Subsection F, as documented during an investigation conducted on May 26, 2005.

12. Failed to maintain records of the agronomic loading rate, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and (11)(B) and TPDES Permit No. 12718001 Sludge Provisions Section II Subsection E. 6, as documented during an investigation conducted on May 26, 2005.
13. Failed to prevent the discharge and accumulation of sludge in the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(5), TPDES Permit No. 12718001 Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(g), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on May 26, 2005.
14. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 317.3(b)(1) and 317.3(e)(5), and TPDES Permit No. 12718001 Operational Requirements No. 1, as documented during an investigation conducted on May 26, 2005. Specifically, the high level alarm was not working in the Wood Road, East Saddle Street, Brookshire Brothers, and the on-site lift stations. The Faulkville Road and Brookshire Brothers lift stations both had only one working pump and the Brookshire Brothers lift station contained an excessive amount of grease.
15. Allowed an unlicensed person to operate the Facility, in violation of 30 TEX. ADMIN. CODE § 30.350(d), as documented during an investigation conducted on May 26, 2005.

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 Joaquin, Docket No. 2005-1747-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632) 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. Immediately upon the effective date of this Agreed Order, commence operating the Facility under the direct supervision of a properly certified operator at all times;
 - b. Immediately upon the effective date of this Agreed Order, begin maintaining complete records of monitoring activities and begin properly filling out the chain of custody tags;
 - c. Within 15 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a and 3.b, in accordance with Ordering Provision No. 3.p;
 - d. Within 30 days after the effective date of this Agreed Order, repair or replace the leaking check valve in the East Saddle Street lift station;
 - e. Within 30 days after the effective date of this Agreed Order, begin using an appropriate staff gauge;
 - f. Within 30 days after the effective date of this Agreed Order, install an atmospheric vacuum breaker on the Facility's hose bib;
 - g. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of the grease in the Brookshire Brothers lift station and all sludge deposits in the receiving stream;
 - h. Within 30 days after the effective date of this Agreed Order, submit the annual sludge reports (for the periods September 1, 2001 through August 31, 2002; September 1, 2002 through August 31, 2003; and September 1, 2003 through August 31, 2004) in accordance with the requirements of TPDES Permit No. 12718001 Sludge Provisions. The report shall be submitted to:

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

- i. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.d through 3.h, in accordance with Ordering Provision No. 3.p;
- j. Within 60 days after the effective date of this Agreed Order, repair and/or replace the high level alarms in the Wood Road, East Saddle Street, Brookshire Brothers, and on-site lift stations. Also, repair and/or replace the inoperable pumps in the Faulkville Road and Brookshire Brothers lift stations;
- k. Within 60 days after the effective date of this Agreed Order, develop and implement a solids management plan ("SMP"). The SMP shall outline a program of internal process control testing to monitor the efficiency of the wastewater treatment plant and to maintain the proper solids balance within the system. The SMP shall be prepared by a Texas registered professional engineer or a person holding a valid Texas Class "A" Level Certificate of Competency. In addition, begin maintaining organized, written records of the process control tests results for a period of three years at the plant site in a daily log book and/or checklist and shall be made available to TCEQ representatives upon request;
- l. Within 90 days after the effective date of this Agreed Order, the engineer or person holding a valid Texas Class "A" Level Certificate of Competency shall review the SMP in the field with the City's Facility operator(s);
- m. Within 90 days after the effective date of this Agreed Order, install soil moisture monitoring sensors at the Facility's land application site;
- n. Within 90 days after the effective date of this Agreed Order, conduct a comprehensive Sewer System Evaluation Survey ("SSES") of the Facility's treatment units, collection system lines, and lift stations. The SSES shall be prepared by a Texas registered professional engineer and shall include, at a minimum, the following:
 - i. Emphasis on locating all inflow sources including rainfall induced infiltration.
 - ii. Recommendations resulting from the above SSES, which include improvements, repair, replacement, and/or rehabilitation of the collection system lines and lift stations to eliminate unauthorized discharges, shall be included in the report. The report shall include a schedule with dates for obtaining permit amendments, approval of plans, specifications, implementation, and completion of the project. Upon Executive Director approval, or approval with modifications, the report shall be implemented in accordance with the approved schedule.

- o. Within 115 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.j through 3.n, in accordance with Ordering Provision No. 3.p;
- p. The written certification of compliance required by Ordering Provisions Nos. 3.c, 3.i, and 3.o shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, 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 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 certifications shall be submitted to:

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

with a copy to:

Manager, Water Section
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 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

John S. Green

For the Executive Director

9/4/2008

Date

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

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

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

Steve Hughes

Signature

JUNE 23, 2008

Date

STEVE HUGHES

Name (Printed or typed)
Authorized Representative of
City of Joaquin

MAYOR

Title

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

Attachment A
Docket Number: 2005-1747-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Joaquin
Payable Penalty Amount:	Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632)
SEP Amount:	Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP:	Shelby County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

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

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, Respondent shall begin making monthly contributions to the Third Party Recipient on the following payment schedule: one payment of Three Thousand Sixty-Eight Dollars (\$3,068) followed by 23 payments of Three Thousand Sixty-Eight Dollars (\$3,068) for a total of Seventy-Three Thousand Six Hundred Thirty-Two Dollars (\$73,632). The Respondent shall mail a copy of the Final Agreed Order along with the first contribution within 30 days of the effective date of this Order, to:

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

Thereafter, Respondent shall make each additional contribution by the 15th day of each month.

3. Records and Reporting

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

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

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

City of Joaquin
Agreed Order – Attachment A

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

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

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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.

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

