

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 4
DOCKET NO.: 2007-1915-MWD-E **TCEQ ID:** RN101608693 **CASE NO.:** 35008
RESPONDENT NAME: City of Pasadena

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: New Vince Bayou WWTP, at the dead end of North Main Street, on the north side of Little Vince Bayou, Pasadena, Harris County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</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 4, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2576; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Johnny Isbell, Mayor, City of Pasadena, P.O. Box 672, Pasadena, Texas 77501 Mr. Robin Green, Director of Public Works, City of Pasadena, P.O. Box 672, Pasadena, Texas 77501 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: September 27, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 15, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to comply with permitted effluent limitations for total suspended solids, fecal coliform bacteria, and 5-day biochemical oxygen demand and prevent the introduction of pollutants into the treatment facility which interfere with the wastewater treatment process. Specifically, permitted effluent limits were exceeded during months when strong chemicals entered the Facility which reduced dissolved oxygen levels within the aeration basins causing excessive foaming and inhibiting the ultraviolet disinfection process [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10053009, Effluent Limitations and Monitoring Requirements No. 1 and Contributing Industries and Pretreatment Requirements Nos. 1.a., 1.d., and 1.f.].</p> <p>2) Failure to submit written reports within five working days for any noncompliance which may endanger human health or safety or the environment. Specifically, written notification for unauthorized wastewater discharges documented in April, 2007 was submitted after five working days. Also, noncompliance notification reports for exceeding effluent permit limits by 40 percent or more during October, November, and December 2006 and March, May, July, August, and</p>	<p>Total Assessed: \$31,620</p> <p>Total Deferred: \$6,324 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$25,296</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 checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility, as documented in the Respondent's letter dated November 28, 2007:</p> <p>a. Installed a regulating valve and currently operates the US Oil Recovery Company lift station to control the flow of pollutants entering the treatment facility which interfere with the wastewater treatment process;</p> <p>b. Formed a crew to monitor the condition of the collection system and remove blockages. The wastewater collection system division is also updating equipment and providing additional staff during heavy rainfall events to address sanitary sewer overflows;</p> <p>c. Repaired the RAS pumps affecting clarifier No. 2 and installed automatic weir cleaners on clarifier No. 3 to reduce algae buildup;</p> <p>d. Recalibrated the flow meter and recertified the recording accuracy;</p> <p>e. Entered into an agreement with the treatment plant operator, Severn Trent Services, to conduct monthly groundwater monitoring;</p> <p>f. Submitted an industrial user survey to the TCEQ Houston Regional Office on October 25, 2007; and</p> <p>g. Submitted a permit renewal application received by the TCEQ on June 1, 2007.</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 also require the Respondent to:</p>

<p>September 2007 were submitted after five working days [30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. 10053009, Monitoring and Reporting Requirements Nos. 7.a. and c.].</p> <p>3) Failure to properly operate and maintain the wastewater treatment plant and ensure flow measurement accuracy. Specifically, clarifier No. 2 was not operating during the investigation because two of the three return activated sludge ("RAS") pumps were inoperative; excessive algae was observed on the weirs of clarifier No. 3 preventing flow in many areas; and a flow meter accuracy check conducted during the inspection indicated a 49 percent difference between recorded and calculated flow rates (a difference of no more than 10 percent is allowed) [30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.4(d) and TPDES Permit No. 10053009, Operational Requirements No. 1. and Monitoring and Reporting Requirements No. 5.].</p> <p>4) Failure to conduct required groundwater monitoring. Specifically, the Respondent could not provide any records to show monthly groundwater sampling and analysis is being conducted in three monitoring wells for fecal coliform, ammonia-nitrogen, and pH [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. 10053009, Other Requirements No. 13.].</p> <p>5) Failure to timely submit a permit renewal application and an industrial user survey. Specifically, the permit renewal application, due March 5, 2007, was not received by the TCEQ until June 1, 2007 and the industrial user survey, due in March 2004, was not submitted to the TCEQ Houston Regional Office until October 25, 2007 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10053009, Permit Conditions No. 4.c. and Contributing Industries and Pretreatment Requirements No. 1.].</p> <p>6) Failure to prevent unauthorized discharges of wastewater from the collection system. Specifically, unauthorized wastewater discharges, caused primarily by heavy rains, occurred on the following days: July 25 and 26, August 13, September 9, and October 8, 16, and 26, 2006 and April 25, May 28, July 3 and 23, August 7, and September 4, 5, and 25, 2007 [30 TEX. ADMIN. CODE § 305.125(4) and (5), TEX. WATER CODE §</p>		<p>a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure that noncompliance notification reports and notices for effluent violations that deviate more than 40% from the permitted effluent limitation are reported; and</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision 2.a. and compliance with the permitted effluent limitations of TPDES Permit No. 10053009, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>
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26.121(a), and TPDES Permit No. 10053009, Permit Conditions No. 2.g. and Operational Requirements No. 1.].		
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Additional ID No(s): TPDES Permit No. 10053009

Attachment A
Docket Number: 2007-1915-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Pasadena

Payable Penalty Amount: Twenty-Five Thousand Two Hundred Ninety-Six Dollars
(\$25,296)

SEP Amount: Twenty-Five Thousand Two Hundred Ninety-Six Dollars
(\$25,296)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center Coastal Tall Grass
Management-Prescribed Burn Program and Prairie
Restoration Project

Location of SEP: Harris 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 contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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 increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

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, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

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 full 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:

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.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

DATES	Assigned	12-Nov-2007	Screening	28-Nov-2007	EPA Due	
	PCW	11-Jul-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Pasadena
Reg. Ent. Ref. No.	RN101608693
Facility/Site Region	12-Houston
Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	35008	No. of Violations	5
Docket No.	2007-1915-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 3
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.

70% Enhancement **Subtotals 2, 3, & 7**

Notes

Culpability **0% Enhancement** **Subtotal 4**

Notes

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

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	X	(mark with x)

Notes

0% Enhancement* **Subtotal 6**
 Total EB Amounts
 Approx. Cost of Compliance **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 **Reduction** **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<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) 70%

>> 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

Enhancement for 12 NOVs with self-reported effluent data and two NOVs with same or similar violations at this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10053009, Effluent Limitations and Monitoring Requirements No. 1; and Contributing Industries and Pretreatment Requirements Nos. 1.a., 1.d., and 1.f.

Violation Description Failed to comply with permitted effluent limitations and prevent the introduction of pollutants into the treatment facility which interfere with the wastewater treatment process. Specifically, permitted effluent limits were exceeded during months when strong chemicals entered the Facility which reduced dissolved oxygen levels within the aeration basins causing excessive foaming and inhibiting the ultraviolet disinfection process. See attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			x	25%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes

A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and fecal coliform bacteria were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed protective levels.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 4 154 Number of violation days

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty \$10,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$190

Violation Final Penalty Total \$17,000

This violation Final Assessed Penalty (adjusted for limits) \$17,000

Economic Benefit Worksheet

Respondent City of Pasadena
Case ID No. 35008
Reg. Ent. Reference No. RN101608693
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$2,000	1-Oct-2006	25-Aug-2008	1.9	\$190	n/a	\$190

Notes for DELAYED costs

Estimated cost for additional sampling and oversight which could have reduce or alleviated the exceedances. The Date required is the date the noncompliance began and the final date is the expected 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

\$2,000

TOTAL

\$190

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 2

Rule Cite(s)

30 Tex. Admin. Code § 305.125(9), and TPDES Permit No. 10053009, Monitoring and Reporting Requirements Nos. 7.a. and c.

Violation Description

Failed to submit written reports within five working days for any noncompliance which may endanger human health or safety or the environment. Specifically, written notification for unauthorized wastewater discharges documented in April, 2007 was submitted after five working days. Also, noncompliance notification reports for exceeding effluent permit limits by 40 percent or more during October, November, and December 2006 and March, May, July, August, and September 2007 were also submitted after five working days.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			

Percent 0%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor
			x

Percent 1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 9

277 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty \$900

Nine single events are recommended, one for each notification.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$1,530

This violation Final Assessed Penalty (adjusted for limits) \$1,530

Economic Benefit Worksheet

Respondent City of Pasadena
Case ID No. 35008
Reg. Ent. Reference No. RN101608693
Media 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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	27-Sep-2007	25-Jul-2008	0.8	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to develop and implement procedures to ensure that noncompliance notifications are submitted timely. The date required is the investigation date and the final date is the expected 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

\$500

TOTAL

\$21

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(5), and 317.4(d), and TPDES Permit No. 10053009, Operational Requirements No. 1. and Monitoring and Reporting Requirements No. 5.

Violation Description

Failed to properly operate and maintain the wastewater treatment plant and ensure flow measurement accuracy. Specifically, clarifier No. 2 was not operating during the investigation because two of the three return activated sludge ("RAS") pumps were inoperative; excessive algae was observed on the weirs of clarifier No. 3 preventing flow in many areas; and a flow meter accuracy check conducted during the inspection indicated a 49 percent difference between the recorded and the calculated flow rates (no more than a 10 percent difference is allowed).

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				25%
Potential		x		

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
				0%

Matrix Notes

Human health or the environment could be exposed to significant amounts of pollutants as a result of the violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 Number of violation days 63

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$2,500

One quarterly event is recommended from the September 27, 2007 investigation until the November 28, 2007 letter documenting compliance.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$21

Violation Final Penalty Total \$4,250

This violation Final Assessed Penalty (adjusted for limits) \$4,250

Economic Benefit Worksheet

Respondent City of Pasadena
Case ID No. 35008
Reg. Ent. Reference No. RN101608693
Media 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
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No commas or \$

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)	\$2,500	27-Sep-2007	28-Nov-2007	0.2	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to properly calibrate the flow meter, repair the RAS pumps, and remove excessive algae from the weirs on clarifier No. 3. The date required is the investigation date and the final date is the date of the letter documenting 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 \$2,500

TOTAL \$21

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. 10053009, Other Requirements No. 13.

Violation Description

Failed to conduct groundwater monitoring required by permit. Specifically, the Respondent could not provide any records to show monthly groundwater sampling and analysis of three monitoring wells for fecal coliform, ammonia-nitrogen, and pH is being conducted.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			
Potential			x

Percent 10%

>> Programmatic Matrix

Falsification	Harm		
	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 1

63 Number of violation days

daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

mark only one with an x

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$6,633

Violation Final Penalty Total \$1,700

This violation Final Assessed Penalty (adjusted for limits) \$1,700

Economic Benefit Worksheet

Respondent City of Pasadena
Case ID No. 35008
Reg. Ent. Reference No. RN101608693
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel				0.0	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$5,400	27-Sep-2006	28-Nov-2007	1.2	\$316	\$6,317	\$6,633
Supplies/equipment				0.0	\$0	\$0	\$0
Financial Assurance [2]				0.0	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated annual cost to collect and analyze groundwater samples from three wells for fecal coliform, ammonla-nitrogen, and pH for one year and maintain records. The date required is one year prior to the investigation date and the final date is the date of the letter documenting compliance.

Approx. Cost of Compliance \$5,400

TOTAL \$6,633

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10053009, Permit Conditions No. 4.c. and Contributing Industries and Pretreatment Requirements No. 1.

Violation Description

Failed to timely submit a permit renewal application and an industrial user survey. Specifically, the permit renewal application, due March 5, 2007, was not received by the TCEQ until June 1, 2007 and the industrial user survey, due in March 2004, was not submitted to the TCEQ Houston Regional Office until October 25, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Harm			Percent
	Major	Moderate	Minor	
			x	1%

Matrix Notes

At least 70 percent of the rule requirement was met.

Adjustment \$9,900

\$100

Violation Events

Number of Violation Events 2 1391 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty \$200

Two single events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$78

Violation Final Penalty Total \$340

This violation Final Assessed Penalty (adjusted for limits) \$340

Economic Benefit Worksheet

Respondent City of Pasadena
Case ID No. 35008
Reg. Ent. Reference No. RN101608693
Media 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

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	\$5,000	6-Mar-2007	1-Jun-2007	0.2	\$60	n/a	\$60
Other (as needed)	\$100	31-Mar-2004	25-Oct-2007	3.6	\$18	n/a	\$18

Notes for DELAYED costs

Estimated cost for a permit renewal application and an industrial user survey from their due dates, until the dates they were submitted.

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

\$5,100

TOTAL

\$78



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision March 19, 2007

DATES	Assigned	12-Nov-2007		
	PCW	11-Jul-2008	Screening	28-Nov-2007
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Pasadena		
Reg. Ent. Ref. No.	RN101608693		
Facility/Site Region	12-Houston	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35008	No. of Violations	1
Docket No.	2007-1915-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media		EC's Team	EnforcementTeam 3
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*

70% Enhancement

Notes: Enhancement for 12 NOVs with self-reported effluent data and two NOVs with same or similar violations at this Facility within the past five years.

Culpability *Subtotal 4*

No

0% Enhancement

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply *Subtotal 5*

0% Reduction

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>
Ordinary	<input type="checkbox"/>	<input type="checkbox"/>
N/A	X	(mark with x)

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

Total EB Amounts *Subtotal 6*

Approx. Cost of Compliance **Capped at the Total EB \$ Amount*

0% Enhancement*

SUM OF SUBTOTALS 1-7 *Final Subtotal*

OTHER FACTORS AS JUSTICE MAY REQUIRE *Adjustment*

0%

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty*

DEFERRAL *Adjustment*

20%

Reduction

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 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

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>)	14	70%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<i>number of 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 submitted</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) 70%

>> 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

Enhancement for 12 NOVs with self-reported effluent data and two NOVs with same or similar violations at this Facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 70%

Screening Date 28-Nov-2007

Docket No. 2007-1915-MWD-E

PCW

Respondent City of Pasadena

Policy Revision 2 (September 2002)

Case ID No. 35008

PCW Revision March 19, 2007

Reg. Ent. Reference No. RN101608693

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Violation Number 1

Rule Cite(s)

30 Tex. Admin. Code § 305.125(4) and (5), Tex. Water Code § 26.121(a), and TPDES Permit No. 10053009, Permit Conditions No. 2.g. and Operational Requirements No. 1

Violation Description

Failed to prevent unauthorized discharges of wastewater from the collection system. Specifically, unauthorized wastewater discharges, caused primarily by heavy rains, occurred on July 25 and 26, August 13, September 9, and October 8, 16, and 26, 2006 and April 25, May 28, July 3 and 23, August 7, and September 4, 5, and 25, 2007.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm		
	Major	Moderate	Minor
Actual			x
Potential			

Percent 10%

>> Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4

35 Number of violation days

mark only one with an x	daily	
	monthly	
	quarterly	x
	semiannual	
	annual	
	single event	

Violation Base Penalty \$4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$471

Violation Final Penalty Total \$6,800

This violation Final Assessed Penalty (adjusted for limits) \$6,800

Economic Benefit Worksheet

Respondent: City of Pasadena
Case ID No.: 35008
Reg. Ent. Reference No.: RN101608693
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
<small>No commas or \$</small>							

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)	\$7,000	25-Jul-2006	28-Nov-2007	1.3	\$471	n/a	\$471

Notes for DELAYED costs

Estimated cost of a crew to monitor the collection system for blockages and clean lines to prevent unauthorized discharges. Date required is the date of the first sewer overflow, and the final date is date of the letter documenting 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

\$7,000

TOTAL

\$471

Compliance History

Customer/Respondent/Owner-Operator: CN600242648 City of Pasadena Classification: AVERAGE Rating: 2.15
Regulated Entity: RN101608693 NEW VINCE BAYOU WWTP Classification: AVERAGE Site Rating: 1.10
ID Number(s): WASTEWATER PERMIT WQ0010053009
WASTEWATER PERMIT TPDES0117528
Location: AT DEAD END N MAIN ST, N SIDE OF LITTLE VINCE Rating Date: September 01 07 Repeat Violator:
BAYOU, PASADENA, TX, 77506 NO
TCEQ Region: REGION 12 - HOUSTON
Date Compliance History Prep: November 20, 2007
Agency Decision Requiring Compliance Enforcement
Compliance Period: November 20, 2002 to November 20, 2007

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

Name: Thomas Jecha Phone: 512 239 2576

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1	02/23/2004	(326199)
2	03/17/2004	(326200)
3	04/22/2004	(366364)
4	05/24/2004	(366365)
5	06/21/2004	(326201)
6	07/26/2004	(366366)
7	09/27/2004	(366368)
8	10/25/2004	(366367)
9	10/25/2004	(366369)
10	12/22/2004	(389707)
11	12/30/2004	(371202)
12	01/12/2005	(366370)
13	01/24/2005	(389708)
14	01/24/2005	(389709)
15	02/22/2005	(427223)
16	03/21/2005	(427224)
17	04/06/2005	(389705)
18	04/06/2005	(389706)
19	04/20/2005	(427225)
20	05/23/2005	(427226)
21	06/21/2005	(427227)
22	07/22/2005	(447310)
23	09/06/2005	(447311)
24	09/26/2005	(447312)

25 10/25/2005 (491912)
 26 11/21/2005 (491913)
 27 12/20/2005 (491914)
 28 01/23/2006 (491915)
 29 02/21/2006 (491910)
 30 03/27/2006 (491911)
 31 03/29/2006 (459635)
 32 04/21/2006 (505979)
 33 05/05/2006 (458429)
 34 05/22/2006 (505980)
 35 06/19/2006 (505981)
 36 07/20/2006 (528221)
 37 08/15/2006 (497695)
 38 08/23/2006 (528222)
 39 09/21/2006 (528223)
 40 10/23/2006 (551681)
 41 11/22/2006 (551682)
 42 12/27/2006 (551683)
 43 01/22/2007 (588804)
 44 02/22/2007 (588799)
 45 03/22/2007 (588800)
 46 04/23/2007 (588801)
 47 05/21/2007 (588802)
 48 06/22/2007 (588803)
 49 07/18/2007 (605604)
 50 09/10/2007 (605605)
 51 09/21/2007 (605606)
 52 11/16/2007 (596870)

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

Date	02/29/2004	(326200)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	06/30/2004	(366366)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	07/31/2004	(366367)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/30/2004	(371202)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date	01/31/2005	(427223)		
Self Report?	YES		Classification	Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2005 (427224)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2005 (427225)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	06/30/2005 (447310)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/05/2006 (458429)		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121 TWC Chapter 26 26.121(a) TWC Chapter 26 26.121(a)(1) TWC Chapter 26 26.121(a)(2) TWC Chapter 26 26.121(a)(3) TWC Chapter 26 26.121(b) TWC Chapter 26 26.121(c) TWC Chapter 26 26.121(d) TWC Chapter 26 26.121(e)		
Description:	Failure to properly operate and maintain the collection system to prevent the unauthorized discharge of sewage.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Description:	Failure to maintain compliance with the permit limits for fecal coliform.		
Self Report?	NO	Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.121(a) 30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(4)		
Rqmt Prov:	PERMIT 10053-009		
Description:	Failure to prevent the unauthorized discharge of sewage related debris and grease.		
Date	10/31/2006 (551682)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2006 (551683)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	03/31/2007 (588801)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	05/31/2007 (588803)		
Self Report?	YES	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2007 (605605)		
Self Report?	YES	Classification	Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF PASADENA
RN101608693**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1915-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 Pasadena ("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 plant at the dead end of North Main Street, on the north side of Little Vince Bayou in Pasadena, Harris County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. 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 November 20, 2007.
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 Thirty-One Thousand Six Hundred Twenty Dollars (\$31,620) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Six Thousand Three Hundred Twenty-Four Dollars (\$6,324) 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. Twenty-Five Thousand Two Hundred Ninety-Six Dollars (\$25,296) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility, as documented in the City's letter dated November 28, 2007:
 - a. Installed a regulating valve and currently operates the US Oil Recovery Company lift station to control the flow of pollutants entering the treatment facility which interfere with the wastewater treatment process;
 - b. Formed a crew to monitor the condition of the collection system and remove blockages. The wastewater collection system division is also updating equipment and providing additional staff during heavy rainfall events to address sanitary sewer overflows;
 - c. Repaired the return activated sludge ("RAS") pumps affecting clarifier No. 2 and installed automatic weir cleaners on clarifier No. 3 to reduce algae buildup;
 - d. Recalibrated the flow meter and recertified the recording accuracy;
 - e. Entered into an agreement with the treatment plant operator, Severn Trent Services, to conduct monthly groundwater monitoring;
 - f. Submitted an industrial user survey to the TCEQ Houston Regional Office on October 25, 2007; and
 - g. Submitted a permit renewal application received by the TCEQ on June 1, 2007.
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:

- Failed to comply with permitted effluent limitations and prevent the introduction of pollutants into the treatment facility which interfere with the wastewater treatment process, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10053009, Effluent Limitations and Monitoring Requirements No. 1 and Contributing Industries and Pretreatment Requirements Nos. 1.a., 1.d., and 1.f., as documented during an investigation conducted on September 27, 2007. Specifically, permitted effluent limits were exceeded during months when strong chemicals entered the Facility which reduced dissolved oxygen levels within the aeration basins causing excessive foaming and inhibiting the ultraviolet disinfection process, as indicated in the table below.

	TSS daily avg loading (lbs/day)	TSS daily avg conc (mg/l)	TSS daily maximum (mg/l)	FCB daily avg (colonies/100 ml)	FCB 7-day avg (colonies/100 ml)	BOD5 single grab conc (mg/l)
<i>Permit Limit</i>	1,751	15	40	200	400	25
<i>Month/Year</i>						
10/31/2006	c	c	c	c	1,312	c
11/30/2006	c	c	c	c	414	c
3/31/2007	c	c	c	596	3,230	c
5/31/2007	c	c	116	c	517	c
7/31/2007	2,146.5	32.3	770	c	426	50

mg/l = milligrams per liter TSS = total suspended solids FCB = fecal coliform bacteria
 lbs/day = pounds per day c = compliant ml = milliliter
 BOD5 = 5-day biochemical oxygen demand

- Failed to submit written reports within five working days for any noncompliance which may endanger human health or safety or the environment, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and TPDES Permit No. 10053009, Monitoring and Reporting Requirements Nos. 7.a. and c., as documented during an investigation conducted on September 27, 2007. Specifically, written notification for unauthorized wastewater discharges documented in April, 2007 was submitted after five working days. Also, noncompliance notification reports for exceeding effluent permit limits by 40 percent or more during October, November, and December 2006 and March, May, July, August, and September 2007 were submitted after five working days.
- Failed to properly operate and maintain the wastewater treatment plant and ensure flow measurement accuracy, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.4(d) and TPDES Permit No. 10053009, Operational Requirements No. 1. and Monitoring and Reporting Requirements No. 5., as documented during an investigation conducted on September 27, 2007. Specifically, clarifier No. 2 was not operating during the investigation because two of the three RAS pumps were inoperative; excessive algae was observed on the weirs of clarifier No. 3 preventing flow in many areas; and a flow meter accuracy check conducted during the

inspection indicated a 49 percent difference between recorded and calculated flow rates (a difference of no more than 10 percent is allowed).

4. Failed to conduct required groundwater monitoring, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. 10053009, Other Requirements No. 13., as documented during an investigation conducted on September 27, 2007. Specifically, the City could not provide any records to show monthly groundwater sampling and analysis is being conducted in three monitoring wells for fecal coliform, ammonia-nitrogen, and pH.
5. Failed to timely submit a permit renewal application and an industrial user survey, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10053009, Permit Conditions No. 4.c. and Contributing Industries and Pretreatment Requirements No. 1., as documented during an investigation conducted on September 27, 2007. Specifically, the permit renewal application, due March 5, 2007, was not received by the TCEQ until June 1, 2007 and the industrial user survey, due in March 2004, was not submitted to the TCEQ Houston Regional Office until October 25, 2007.
6. Failed to prevent unauthorized discharges of wastewater from the collection system, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5), TEX. WATER CODE § 26.121(a), and TPDES Permit No. 10053009, Permit Conditions No. 2.g. and Operational Requirements No. 1, as documented during an investigation conducted on September 27, 2007. Specifically, unauthorized wastewater discharges, caused primarily by heavy rains, occurred on the following days: July 25 and 26, August 13, September 9, and October 8, 16, and 26, 2006 and April 25, May 28, July 3 and 23, August 7, and September 4, 5, and 25, 2007.

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 payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from 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 Pasadena, Docket No. 2007-1915-MWD-E" to:

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

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Twenty-Five Thousand Two Hundred Ninety-Six Dollars (\$25,296) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, develop and implement procedures to ensure that noncompliance notification reports and notices for effluent violations that deviate more than 40% from the permitted effluent limitation are reported in accordance with TPDES Permit No. 10053009, Monitoring and Reporting Requirements Nos. 7.a. and c.; and
 - b. Within 60 days after the effective date of this Agreed Order, submit written certification to demonstrate compliance with Ordering Provision 3.a. and compliance with the permitted effluent limitations of TPDES Permit No. 10053009, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

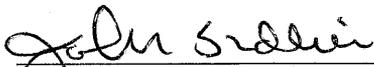
Water Section, Manager
Houston Regional Office
Texas Commission on Environmental Quality
5425 Polk Avenue, Suite H
Houston, Texas 77023-1486

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



For the Executive Director

8/8/2008
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 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 failure to comply with the Ordering Provisions, if any, in this order and/or failure to timely pay the penalty amount, may result in:

- A negative impact on compliance history;
- Greater scrutiny of any permit applications submitted;
- 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;
- Automatic referral to the Attorney General's Office of any future enforcement actions; and
- TCEQ seeking other relief as authorized by law.

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



Signature

5-28-8
Date

JOHNNY ISBELL
Name (Printed or typed)
Authorized Representative of
City of Pasadena

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: 2007-1915-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Pasadena

Payable Penalty Amount: Twenty-Five Thousand Two Hundred Ninety-Six Dollars
(\$25,296)

SEP Amount: Twenty-Five Thousand Two Hundred Ninety-Six Dollars
(\$25,296)

Type of SEP: Pre-approved

Third-Party Recipient: Armand Bayou Nature Center Coastal Tall Grass
Management-Prescribed Burn Program and Prairie
Restoration Project

Location of SEP: Harris 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 contribution will be used to pay for the labor and materials costs associated with conducting prescribed burns, removing non-native trees, and for planting native trees and plants.

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 increasing ecosystem functionality. It will contribute to the overall prairie health by suppressing invasive brush species, increasing soil fertility, and promoting plant vigor.

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.

City of Pasadena
Agreed Order – Attachment A

2. Performance Schedule

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

Armand Bayou Nature Center
Attn: Mark Kramer
PO Box 58828
Houston, Texas 77258

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 full 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:

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.

