

Buddy Garcia, *Chairman*
Larry R. Soward, *Commissioner*
Bryan W. Shaw, Ph.D., *Commissioner*
Mark R. Vickery, P.G., *Executive Director*



TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

October 14, 2008

Mr. Brad Castleberry
Lloyd Goddelink Rochelle & Townsend, P.C.
816 Congress Avenue, Ste. 1900
Austin, Texas 78701

Re: City of Normangee; TCEQ Enforcement Action
Docket No.: 2008-1362-MWD-E

Dear Mr. Castleberry:

I have enclosed, for your records, copies of documents that have been filed with the Chief Clerk's Office at the Texas Commission on Environmental Quality (TCEQ). These documents were filed as part of the TCEQ agenda process. The above-referenced case is scheduled to be presented at the Agenda meeting on **November 5, 2008 at 1:00 p.m.** The Agenda will be held at TCEQ Park 35 Complex, 12118 North I-35, Building E, Room 201S, Austin, Texas. If you have any questions, please contact me at the TCEQ Litigation Division at (512) 239-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "Lena Roberts".

Lena Roberts
Attorney
Litigation Division

Enclosure

cc: Ms. Pam Campbell, Water Enforcement Section, MC 169
Mr. Frank Burselon, Waco Regional Office, MC R-9
Agenda Coordinator, Litigation Division, MC 175

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-1362-MWD-E TCEQ ID: RN101916385 CASE NOs.: 14813, 27003, 32780 and 35415
RESPONDENT NAME: CITY OF NORMANGEE

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input 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
<input type="checkbox"/> AGRICULTURE	<input type="checkbox"/> USED OIL	<input type="checkbox"/> WATER RIGHTS

SITE WHERE VIOLATION(S) OCCURRED: Caney Creek, east of Farm-to-Market Road 39, Normangee, Leon County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: Yes No

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

INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on October 20, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
TCEQ Enforcement Coordinator: Ms. Pam Campbell, Water Enforcement Section, MC 169, (512) 239-4493
TCEQ Regional Contact: Mr. Frank Burleson, Waco Regional Office, MC R-9, (254) 761-3001
Respondent: Honorable J.C. Traylor, Mayor, City of Normangee, Post Office Box 37, Normangee, Texas 77871
Respondent's Attorney: Mr. Brad Castleberry, Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Ste. 1900, Austin, Texas 78701

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: None</p> <p>Dates of Investigations Relating to this Case: March 10, 2004; August 14, 2004; November 10, 2004, November 15, 2004; October 30, 2006</p> <p>Dates of NOEs Relating to this Case: March 15, 2004; August 26, 2004; November 21, 2004; October 9, 2007</p> <p>Background Facts: This case consists of four consolidated enforcement actions. An evidentiary hearing on two of the cases was held on September 27, 2006, and the Proposal for Decision was issued on January 29, 2007. Subsequently, two new enforcement actions were initiated. A mediation was held at TCEQ on July 14, 2008. Settlement was achieved and a signed agreed order was received on August 28, 2008.</p> <p>Current Compliance Status: The City is awaiting approval of its grant application with the Office of Rural Community Affairs.</p> <p>WQ:</p> <ol style="list-style-type: none"> 1. Failed to comply with permitted effluent limits for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), dissolved oxygen ("DO"), and pH [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a)(1), and TPDES Permit No. 10356001 (the "Permit") Effluent Limitations and Monitoring Requirements No. 1]. 2. Failed to properly operate and maintain all systems of collection, treatment, and disposal [30 TEX. ADMIN. CODE §§ 305.125(5), 317.3(a), 317.7(3), and Permit Operational Requirement No. 1]. 3. Failed to ensure that the Facility is operated by a licensed chief operator or an operator holding the required level of license or higher a minimum of five days per week [30 TEX. ADMIN. CODE § 30.350(c); (j), and (l) and Permit Operational Requirement No. 1]. 	<p>Initial Calculated Penalty: \$44,315</p> <p>Total Assessed: \$44,315</p> <p>*Total Deferred: \$37,665</p> <p><input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay <input type="checkbox"/> SEP Conditional Offset</p> <p>Total Paid to General Revenue: \$6,650</p> <p>The Respondent has paid \$6,650 of the administrative penalty. The remaining amount of \$37,665 of the administrative penalty shall be conditionally offset by the Respondent's timely completion of the Technical Requirements.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: At least three repeated enforcement actions (NOVs) over the prior five-year period.</p> <p>*Explanation of Penalty Deferral: The conditionally offset portion of the administrative penalty shall be discharged upon timely completion of all Technical Ordering Provisions.</p>	<p>Corrective Actions Taken:</p> <ol style="list-style-type: none"> 1. The City began complying with permitted effluent limits on March 30, 2004. 2. The City removed excess solids on the surface of the Imhoff tank, and removed grass from the empty sludge drying beds on or about November 30, 2007. 3. The City hired a licensed operator on January 3, 2005. 4. The City removed the solids from the receiving stream on February 8, 2005. 5. The City repaired the broken main line on September 1, 2006. 6. The City received TPDES Permit 14787001 on December 19, 2007. <p>Ordering Provision(s):</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> 1. On or before October 31, 2008, submit a grant application (the "Application") to the Office of Rural Community Affairs ("ORCA"), with a copy to the Commission, requesting funds to design and construct chlorination and dechlorination treatment at the Facility. 2. Within 90 days of approval or denial of the Application, retain a consulting engineer and proceed with design of the treatment improvements identified in the Application. 3. On or before December 31, 2009, submit final plans and specifications for the construction of the treatment improvements identified in the Application. 4. Within one hundred eighty (180) days of receipt of Commission approval of the plans and specifications for construction of the treatment improvements identified in the Application, begin construction of the treatment improvements identified in the Application.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>4. Failed to prevent discharge and accumulation sludge in the receiving stream [30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and Permit Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, and Permit Conditions No. 2.g].</p> <p>5. Failed to prevent the unauthorized discharge of wastewater into Caney Creek [Tex. Water Code § 26.121(a)(1)].</p> <p>6. Failed to obtain authorization to discharge wastewater into or adjacent to waters in the state [30 TEX. ADMIN. CODE § 305.63(a) and TEX. WATER CODE § 26.121(a)(1)].</p>		<p>5. Within six (6) months from the date of Commission approval identified in Ordering Provision 4, above, and every six (6) months thereafter until construction is complete, submit a written progress report to the Commission regarding the construction status of the treatment improvements.</p> <p>6. Construction of the treatment improvements shall be completed no later than October 31, 2010.</p> <p>7. Provide written notice to the Executive Director within ten (10) days of completion of each of the technical ordering provisions.</p> <p>8. Submit to the Commission additional information regarding the status of each of the technical ordering provisions within thirty (30) days of a request by the Commission.</p> <p>9. Within one hundred eighty (180) days after the completion of the treatment improvements, submit written certification of compliance with permitted effluent limits.</p>



Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision June 12, 2008

DATES	Assigned				
	PCW	14-Jul-2008	Screening	12-Jan-2007	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Normangee
Reg. Ent. Ref. No.	RN101916385
Facility/Site Region	9-Waco
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	14813, 27003, 32780, and 35415	No. of Violations	7
Docket No.	2008-1362-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Pamela Campbell
		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 \$21,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 99.0% Enhancement Subtotals 2, 3, & 7 \$20,790

Notes: The Respondent has two NOV's for same or similar violations, two NOV's for unrelated violations, and has 17 months of self-reported effluent violations.

Culpability Yes 25.0% Enhancement Subtotal 4 \$5,250

Notes: The City's expired permit had been renewed at least once since November 15, 1999; therefore, the City was aware that it was required to have a permit to discharge waste prior to operating a wastewater treatment plant.

Good Faith Effort to Comply Total Adjustments Subtotal 5 \$2,725

Economic Benefit 0.0% Enhancement* Subtotal 6 \$0

Total EB Amounts \$819
 Approx. Cost of Compliance \$31,675
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$44,315

OTHER FACTORS AS JUSTICE MAY REQUIRE 0.0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$44,315

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$44,315

DEFERRAL 0.0% Reduction Adjustment \$0

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

Notes

No deferral due to culpability.

PAYABLE PENALTY \$44,315

Screening Date 12-Jan-2007

Docket No. 2008-1362-MWD-E

PCW

Respondent City of Normangee

Policy Revision 2 (September 2002)

Case ID No. 14813, 27003, 32780, and 35415

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101916385

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 (number of NOVs meeting criteria)	19	95%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were 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%

Please Enter Yes or No

Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 99%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has two NOVs for same or similar violations, two NOVs for unrelated violations, and has 17 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 99%

<p>Screening Date 12-Jan-2007</p> <p>Respondent City of Normangee</p> <p>Case ID No. 14813, 27003, 32780, and 35415</p> <p>Reg. Ent. Reference No. RN101916385</p> <p>Media [Statute] Water Quality</p> <p>Enf. Coordinator Pamela Campbell</p> <p>Violation Number <input type="text" value="1"/></p> <p>Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10356001 Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)(1).</p> <p>Violation Description Failed to comply with the permitted effluent limits as shown in the attached table .</p>	<p>Docket No. 2008-1362-MWD-E</p> <p style="text-align: right;">PCW</p> <p style="text-align: right;"><small>Policy Revision 2 (September 2002)</small></p> <p style="text-align: right;"><small>PCW Revision June 12, 2008</small></p> <p style="text-align: right;">Base Penalty <input type="text" value="\$10,000"/></p>																			
<p>>> Environmental, Property and Human Health Matrix</p>																				
<p>OR</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input type="text" value="50%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="50%"/>	Potential	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<p>Number of Violation Events <input type="text" value="1"/></p> <p>mark only one with an x</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td style="text-align: center;">single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input checked="" type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>	<p><input type="text" value="61"/> Number of violation days</p> <p>Violation Base Penalty <input type="text" value="\$5,000"/></p>							
daily	<input type="checkbox"/>																			
monthly	<input type="checkbox"/>																			
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<p>One quarterly event is recommended to make the penalty commensurate with the situation.</p>																				
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<p>Extraordinary</p> <p>Ordinary</p> <p>N/A</p> <p>Notes</p>	<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">10.0% Reduction</td> <td></td> </tr> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/ Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td style="text-align: center;"><input type="checkbox"/></td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p>The respondent came into compliance on March 30, 2004.</p> <p style="text-align: right;">Violation Subtotal <input type="text" value="\$4,500"/></p>		10.0% Reduction			Before NOV	NOV to EDRP/ Settlement Offer	Extraordinary	<input type="checkbox"/>	<input type="checkbox"/>	Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A	<input type="checkbox"/>	(mark with x)				
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Ordinary	<input type="checkbox"/>	<input checked="" type="checkbox"/>																		
N/A	<input type="checkbox"/>	(mark with x)																		
<p>Economic Benefit (EB) for this violation</p>																				
<p>Estimated EB Amount <input type="text" value="\$293"/></p>	<p>Statutory Limit Test</p> <p>Violation Final Penalty Total <input type="text" value="\$10,700"/></p> <p>This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,700"/></p>																			

Economic Benefit Worksheet

Respondent: City of Normangee
Case ID No.: 14813, 27003, 32780, and 35415
Reg. Ent. Reference No.: RN101916385
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$160	1-Jun-2002	28-Feb-2004	1.75	\$14	\$279	\$293
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

This amount represents the estimated cost of additional oversight and sampling which might have reduced or alleviated the exceedances. The date required is the first month of the violation period. The final date is the last month of noncompliance.

Approx. Cost of Compliance \$160 **TOTAL** \$293

Screening Date 12-Jan-2007 **Docket No.** 2008-1362-MWD-E **PCW**
Respondent City of Normangee *Policy Revision 2 (September 2002)*
Case ID No. 14813, 27003, 32780, and 35415 *PCW Revision June 12, 2008*
Reg. Ent. Reference No. RN101916385
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell
Violation Number 2
Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), TPDES Permit No. 10356001 Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)(1)
Violation Description Failed to comply with the permitted effluent limits as shown in the attached table.
Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes: A simplified model was used to evaluate the value for flow and biological oxygen demand to determine whether the amount of discharged pollutants exceeded levels that are protective of human health or the environment. The amount of pollutants discharged at the time of the violations were insignificant and did not exceed levels protective of human health and the environment.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events: 1 180 Number of violation days

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

Violation Base Penalty \$1,000

One semiannual event is recommended to make the penalty commensurate with the situation.

Good Faith Efforts to Comply 10.0% Reduction \$100

	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		x
N/A		(mark with x)

Notes: The respondent came into compliance on March 30, 2004.

Violation Subtotal \$900

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount \$0 Violation Final Penalty Total \$2,140

This violation Final Assessed Penalty (adjusted for limits) \$2,140

Economic Benefit Worksheet

Respondent City of Normangee
Case ID No. 14813, 27003, 32780, and 35415
Reg. Ent. Reference No. RN101916385
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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

See economic benefit for violation no. 1.

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 12-Jan-2007	Docket No. 2008-1362-MWD-E	PCW	
Respondent City of Normangee	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 14813, 27003, 32780, and 35415	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101916385			
Media [Statute] Water Quality			
Enf. Coordinator Pamela Campbell			
Violation Number <input type="text" value="3"/>			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(5), 317.3(a) and 317.7(3), and TPDES Permit No. 10356001 Operational Requirements No. 1		
Violation Description	Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, the on-site lift station was open, the plant gates were open, the Facility was un-manned, the high level alarm at the lift station was flashing, excessive solids that were not being skimmed or broken up were located on the surface of the Imhoff tank, and the empty sludge drying beds contained grass, as documented during the November 15, 2004 investigation.		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>
	Potential	<input type="text" value="x"/>	<input type="text"/>
		Percent	<input type="text" value="10%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
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 this violation.		
Adjustment		<input type="text" value="\$9,000"/>	
			<input type="text" value="\$1,000"/>
Violation Events			
Number of Violation Events		<input type="text" value="1"/>	Number of violation days
		<input type="text" value="54"/>	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="\$1,000"/>			
One quarterly event is recommended from the investigation date (November 10, 2004) to the date a certified operator was hired (January 3, 2005).			
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction
		<input type="text" value="\$0"/>	
	Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text"/>	
N/A	<input type="text" value="x"/>	<input type="text" value="(mark with x)"/>	
Notes	<input type="text" value="The Respondent is not yet in compliance."/>		
Violation Subtotal		<input type="text" value="\$1,000"/>	
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$149"/>	Violation Final Penalty Total
		<input type="text" value="\$2,240"/>	<input type="text" value="\$2,240"/>
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$2,240"/>

Economic Benefit Worksheet

Respondent: City of Normangee
 Case ID No. 14813, 27003, 32780, and 35415
 Reg. Ent. Reference No. RN101916385
 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)	\$10,000	10-Nov-2004	3-Jan-2005	0.15	\$5	\$99	\$104
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$500	10-Nov-2004	1-Sep-2006	1.81	\$45	n/a	\$45
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to hire a D certified wastewater operator to provide oversight at the Facility. The date required is the date of the investigation and the final date is the date that the City hired a certified operator. The Remediation/Disposal cost is the estimated cost to remove and properly dispose of the grass in the sludge drying bed. The date required is the date of the investigation 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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$10,500

TOTAL

\$149

Screening Date 12-Jan-2007	Docket No. 2008-1362-MWD-E	PCW	
Respondent City of Normangee	<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 14813, 27003, 32780, and 35415	<i>PCW Revision June 12, 2008</i>		
Reg. Ent. Reference No. RN101916385			
Media [Statute] Water Quality			
Enf. Coordinator Pamela Campbell			
Violation Number <input type="text" value="4"/>			
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 30.350(c), 30.350(j), and 305.125(1), and TPDES Permit No. 10356001 Other Requirements No. 1"/>		
Violation Description	<input type="text" value="Failed to ensure that the Facility is operated by a licensed chief operator or an operator holding the required level of license or higher for a minimum of five days per week. Specifically, at the time of the November 10, 2004 investigation, no certified operators were at the Facility. The operator in training was working on the sewer break (which occurred on November 10, 2004) without the supervision of a licensed operator."/>		
Base Penalty		<input type="text" value="\$10,000"/>	
>> Environmental, Property and Human Health Matrix			
OR	Harm		
	Major	Moderate	Minor
	Actual <input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential <input type="text" value="x"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="25%"/>
>> Programmatic Matrix			
	Major	Moderate	Minor
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>
		Percent	<input type="text" value="0%"/>
Matrix Notes	<input type="text" value="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 this violation."/>		
		Adjustment	<input type="text" value="\$7,500"/>
		<input type="text" value="\$2,500"/>	
Violation Events			
Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="54"/>	Number of violation days
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty
	monthly	<input type="text"/>	
	quarterly	<input type="text"/>	
	semiannual	<input type="text" value="x"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
<input type="text" value="One semiannual event is recommended from the investigation date (November 10, 2004) to the date a certified operator was hired (January 3, 2005)."/>			
Good Faith Efforts to Comply		10.0% Reduction	<input type="text" value="\$250"/>
	Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>	
Ordinary	<input type="text"/>	<input type="text" value="x"/>	
N/A	<input type="text" value="(mark with x)"/>		
Notes	<input type="text" value="A certified operator was hired on January 3, 2005."/>		
		Violation Subtotal	<input type="text" value="\$2,250"/>
Economic Benefit (EB) for this violation		Statutory Limit Test	
Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$5,350"/>
		This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$5,350"/>

Economic Benefit Worksheet

Respondent City of Normangee
Case ID No. 14813, 27003, 32780, and 35415
Reg. Ent. Reference No. RN101916385
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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$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				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance \$0

TOTAL \$0

Screening Date 12-Jan-2007

Docket No. 2008-1362-MWD-E

PCW

Respondent City of Normangee

Policy Revision 2 (September 2002)

Case ID No. 14813, 27003, 32780, and 35415

PCW Revision June 12, 2008

Reg. Ent. Reference No. RN101916385

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 5

Rule Cite(s)

30 Tex. Admin. Code § 305.125(1) and (4), TPDES Permit No. 10356001 Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.g., and Tex. Water Code § 26.121(a)

Violation Description

Failed to prevent the discharge and accumulation of sludge in the receiving water. As noted during the November 15, 2004 Facility investigation, a dense accumulation of sludge was noted at the outfall and sludge was approximately seven inches deep and was present at least 25 yards in the receiving stream. Samples collected upstream and at the discharge point revealed the following results: ammonia nitrogen ("NH3-N") - 102 milligrams per liter ("mg/L"), total phosphates - 21.1 mg/L, and ortho-phosphorus - 18.1 mg/L; NH3-N - .36 mg/L, total phosphates - .23 mg/L, and ortho-phosphorus - .36 mg/L; respectively. No aquatic life was observed in the receiving stream, which was full of septic sewage and black water.

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

Human health or the environment has been exposed to significant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events 1 87 Number of violation days

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 investigation date (November 10, 2004) to the date the solids were removed from the receiving stream (February 8, 2005).

Good Faith Efforts to Comply

25.0% Reduction

\$625

	Before NOV	NOV to EDRP/Settlement Offer
	Extraordinary	
Ordinary	X	
N/A		(mark with x)

Notes

The Respondent removed the solids from the receiving stream on February 8, 2005.

Violation Subtotal \$1,875

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$43

Violation Final Penalty Total \$4,975

This violation Final Assessed Penalty (adjusted for limits) \$4,975

Economic Benefit Worksheet

Respondent City of Normangee
Case ID No. 14813, 27003, 32780, and 35415
Reg. Ent. Reference No. RN101916385
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				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$3,500	10-Nov-2004	8-Feb-2005	0.25	\$43	n/a	\$43
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated cost to remove and properly dispose of sludge accumulations in the receiving stream. The date required is the investigation date and the final date is the date that the solids were removed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$3,500

TOTAL

\$43

Screening Date 12-Jan-2007	Docket No. 2008-1362-MWD-E	PCW		
Respondent City of Normangee	<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 14813, 27003, 32780, and 35415	<small>PCW Revision June 12, 2008</small>			
Reg. Ent. Reference No. RN101916385				
Media [Statute] Water Quality				
Enf. Coordinator Pamela Campbell				
Violation Number <input type="text" value="6"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.63(a) and Tex. Water Code § 26.121(a)(1)"/>			
Violation Description	<input type="text" value="Failed to obtain authorization to discharge wastewater into or adjacent to waters in the state. Specifically, the City allowed it's discharge permit to expire on October 1, 2006 and continued to discharge treated effluent without authorization."/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
			Falsification	
			Major	
			Moderate	
			Minor	
			<input type="text" value="x"/>	
				Percent <input type="text" value="10%"/>
Matrix Notes	<input type="text" value="100% of the rule requirement was not met."/>			
Adjustment				<input type="text" value="\$9,000"/>
				<input type="text" value="\$1,000"/>
Violation Events				
Number of Violation Events		<input type="text" value="4"/>	Number of violation days	
		<input type="text" value="103"/>		
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input checked="" type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
single event	<input type="text"/>			
				Violation Base Penalty <input type="text" value="\$4,000"/>
<input type="text" value="Four monthly events are recommended from the permit expiration date (October 1, 2006) to the screening date (January 12, 2007)."/>				
Good Faith Efforts to Comply		<input type="text" value="0.0%"/>	Reduction	
		Before NOV	NOV to EDRP/Settlement Offer	
Extraordinary	<input type="text"/>	<input type="text"/>		
Ordinary	<input type="text"/>	<input type="text"/>		
N/A	<input checked="" type="text" value="x"/>	<input type="text"/>	<small>(mark with x)</small>	
Notes	<input type="text" value="The Respondent received its new permit on December 19, 2007, after the EDRP had been mailed out."/>			
Violation Subtotal				<input type="text" value="\$4,000"/>
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount		<input type="text" value="\$274"/>	Violation Final Penalty Total	
			<input type="text" value="\$8,960"/>	
This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$8,960"/>	

Economic Benefit Worksheet

Respondent City of Normangee
Case ID No. 14813, 27003, 32780, and 35415
Reg. Ent. Reference No. RN101916385
Media 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
No commas or \$							

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$2,000	24-Apr-2006	19-Dec-2007	1.65	\$11	\$221	\$232
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs	\$515	24-Apr-2006	19-Dec-2007	1.65	\$43	n/a	\$43
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

This is the estimated amount the Respondent would spend to have engineering plans drafted for a permit renewal application and the TCEQ permit renewal fee. The date required is the date that a renewal application should have been submitted to the TCEQ and the final date is the effective date of the Respondent's new permit.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,515

TOTAL

\$274

<p>Screening Date 12-Jan-2007</p> <p>Respondent City of Normangee</p> <p>Case ID No. 14813, 27003, 32780, and 35415</p> <p>Reg. Ent. Reference No. RN101916385</p> <p>Media [Statute] Water Quality</p> <p>Enf. Coordinator Pamela Campbell</p> <p>Violation Number <input type="text" value="7"/></p> <p>Rule Cite(s) <input type="text" value="Tex. Water Code § 26.121(a)"/></p> <p>Violation Description <input type="text" value="Failed to prevent the unauthorized discharge of wastewater into Caney Creek. Specifically, a break in the main line across Caney Creek resulted in the discharge of untreated wastewater into the creek."/></p>	<p>Docket No. 2008-1362-MWD-E</p> <p style="text-align: right;">PCW <small>Policy Revision 2 (September 2002) PCW Revision June 12, 2008</small></p>																			
Base Penalty <input type="text" value="\$10,000"/>																				
>> Environmental, Property and Human Health Matrix																				
<p>OR</p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td colspan="3" style="text-align: center;">Harm</td> <td></td> </tr> <tr> <td style="text-align: center;">Release</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td style="text-align: center;">Actual</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> <td></td> <td rowspan="2" style="text-align: right;">Percent <input type="text" value="50%"/></td> </tr> <tr> <td style="text-align: center;">Potential</td> <td></td> <td></td> <td></td> </tr> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input checked="" type="checkbox"/>			Percent <input type="text" value="50%"/>	Potential				
	Harm																			
Release	Major	Moderate	Minor																	
Actual	<input checked="" type="checkbox"/>			Percent <input type="text" value="50%"/>																
Potential																				
>> Programmatic Matrix																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Falsification</td> <td style="text-align: center;">Major</td> <td style="text-align: center;">Moderate</td> <td style="text-align: center;">Minor</td> <td></td> </tr> <tr> <td></td> <td></td> <td></td> <td></td> <td></td> <td style="text-align: right;">Percent <input type="text" value="0%"/></td> </tr> </table> <p>Matrix Notes <input type="text" value="Fecal coliform bacteria measurement and septic conditions found in Caney Creek indicated that the unauthorized discharge of untreated wastewater resulted in the exposure of a significant amount of contaminants which did exceed levels protective of human health and the environment."/></p>		Falsification	Major	Moderate	Minor							Percent <input type="text" value="0%"/>	Adjustment <input type="text" value="\$5,000"/>							
	Falsification	Major	Moderate	Minor																
					Percent <input type="text" value="0%"/>															
\$5,000																				
Violation Events																				
<p style="text-align: center;"><input type="text" value="1"/> <input type="text" value="18"/> Number of violation days</p> <p><i>mark only one with an x</i></p> <table border="1" style="width:100%; border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td></td></tr> <tr><td style="text-align: center;">monthly</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td></td></tr> <tr><td style="text-align: center;">semiannual</td><td></td></tr> <tr><td style="text-align: center;">annual</td><td></td></tr> <tr><td style="text-align: center;">single event</td><td></td></tr> </table> <p style="text-align: right;">Violation Base Penalty <input type="text" value="\$5,000"/></p> <p style="text-align: center;"><input type="text" value="One monthly event is recommended from the investigation date of August 14, 2007 to the date the unauthorized discharge was stopped and cleaned up on September 1, 2007."/></p>	daily		monthly	<input checked="" type="checkbox"/>	quarterly		semiannual		annual		single event									
daily																				
monthly	<input checked="" type="checkbox"/>																			
quarterly																				
semiannual																				
annual																				
single event																				
Good Faith Efforts to Comply <input type="text" value="25.0%"/> Reduction <input type="text" value="\$1,250"/>																				
<table border="1" style="width:100%; border-collapse: collapse;"> <tr> <td></td> <td style="text-align: center;">Before NOV</td> <td style="text-align: center;">NOV to EDRP/Settlement Offer</td> </tr> <tr> <td style="text-align: center;">Extraordinary</td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;">Ordinary</td> <td style="text-align: center;"><input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td style="text-align: center;">N/A</td> <td></td> <td style="text-align: center;">(mark with x)</td> </tr> </table> <p>Notes <input type="text" value="The Respondent returned to compliance on September 1, 2007."/></p>		Before NOV	NOV to EDRP/Settlement Offer	Extraordinary			Ordinary	<input checked="" type="checkbox"/>		N/A		(mark with x)	Violation Subtotal <input type="text" value="\$3,750"/>							
	Before NOV	NOV to EDRP/Settlement Offer																		
Extraordinary																				
Ordinary	<input checked="" type="checkbox"/>																			
N/A		(mark with x)																		
Economic Benefit (EB) for this violation <input type="text" value="\$60"/>																				
Statutory Limit Test																				
Violation Final Penalty Total <input type="text" value="\$9,950"/>																				
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,950"/>																				

Economic Benefit Worksheet

Respondent City of Normangee
Case ID No. 14813, 27003, 32780, and 35415
Reg. Ent. Reference No. RN101916385
Media 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
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$10,000	9-Aug-2007	1-Sep-2007	0.06	\$2	\$42	\$44
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal	\$5,000	9-Aug-2007	1-Sep-2007	0.06	\$16	n/a	\$16
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs of repairing the broken main trunk line is \$10,000 and for the removal of wastewater from the creek is \$5,000. Date required is the date the complaint was made to the TCEQ office regarding the unauthorized discharge. Final date is the date of corrective action was completed.

Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance	\$15,000	TOTAL	\$80
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Compliance History

Customer/Respondent/Owner-Operator:	CN600513501	City of Normangee	Classification: AVERAGE	Rating: 2.99
Regulated Entity:	RN101916385	CITY OF NORMANGEE	Classification: AVERAGE	Site Rating: 2.97
ID Number(s):	WASTEWATER	PERMIT	WQ0010356001	
	WASTEWATER	PERMIT	TPDES0027448	
	WASTEWATER	PERMIT	WQ0014787001	
	WASTEWATER LICENSING	LICENSE	WQ0010356001	
Location:	PO BOX 37, NORMANGEE, TX, 77871		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 09 - WACO			
Date Compliance History Prepared:	November 26, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	November 01, 2002 to November 01, 2007			

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

Name: Catherine Albrecht Phone: (713)767-3672

Site Compliance History Components

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

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	11/13/2002	(175524)
2	12/13/2002	(175526)
3	01/13/2003	(175529)
4	02/11/2003	(175506)
5	03/21/2003	(302790)
6	04/09/2003	(175511)
7	05/19/2003	(302793)
8	06/09/2003	(175525)
9	01/06/2004	(332885)
10	02/10/2004	(302789)
11	02/18/2004	(302796)
12	02/18/2004	(302797)
13	02/18/2004	(302798)
14	02/18/2004	(302799)
15	02/18/2004	(302800)
16	02/18/2004	(302801)
17	02/18/2004	(302794)
18	02/18/2004	(302795)
19	03/15/2004	(256895)
20	03/18/2004	(302791)
21	04/12/2004	(302792)
22	06/01/2004	(355066)
23	08/02/2004	(280634)
24	08/26/2004	(355067)

25 08/26/2004 (355068)
 26 09/30/2004 (355069)
 27 10/25/2004 (355070)
 28 11/23/2004 (383503)
 29 08/30/2005 (399983)
 30 09/08/2005 (31854)
 31 03/10/2006 (454686)
 32 11/21/2006 (518652)
 33 07/25/2007 (593231)

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

1 Date: 11/30/2002 (175526)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

2 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/31/2003 (175506)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

3 Description: Failure to meet the limit for one or more permit parameter
 Date: 04/30/2003 (302793)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

4 Description: Failure to meet the limit for one or more permit parameter
 Date: 05/31/2003 (302794)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

5 Description: Failure to meet the limit for one or more permit parameter
 Date: 06/30/2003 (302795)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

6 Description: Failure to meet the limit for one or more permit parameter
 Date: 07/31/2003 (302796)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

7 Description: Failure to meet the limit for one or more permit parameter
 Date: 08/31/2003 (302797)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

8 Description: Failure to meet the limit for one or more permit parameter
 Date: 09/30/2003 (302798)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

9 Description: Failure to meet the limit for one or more permit parameter
 Date: 10/31/2003 (302799)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

10 Description: Failure to meet the limit for one or more permit parameter
 Date: 11/30/2003 (302800)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)

11 Description: Failure to meet the limit for one or more permit parameter
 Date: 01/06/2004 (332885)
 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

	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) 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		
12	Date:	01/31/2004 (302789)		
	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		
13	Date:	02/29/2004 (302791)		
	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		
14	Date:	03/31/2004 (302792)		
	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		
15	Date:	04/30/2004 (355066)		
	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		
16	Date:	06/30/2004 (355067)		
	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		
17	Date:	08/02/2004 (280634)		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(9)		
	Rqmt Prov:	PERMIT WQ0010356-001		
	Description:	Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.		
	Self Report?	NO	Classification:	Moderate
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
	Rqmt Prov:	PERMIT WQ0010356-001		
	Description:	Failure to properly operate and maintain all systems of collection, treatment, and disposal.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(i)		
	Rqmt Prov:	PERMIT WQ0010356-001		
	Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 317 317.4(j)(9)		
	Rqmt Prov:	PERMIT WQ0010356-001		
	Description:	Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.		
	Self Report?	NO	Classification:	Minor
	Citation:	30 TAC Chapter 319, SubChapter A 319.11(d)		

Rqmt Prov: PERMIT WQ0010356-001
 Description: Failure to comply with procedures specified in 30 TAC 319.11 - 319.12.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT WQ0010356-001
 Description: Failure by the permittee to maintain a dissolved oxygen level greater than or equal to 4.0 mg/L.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3
 Rqmt Prov: PERMIT WQ0010356-001
 Description: Failure by the permittee 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(5)
 Rqmt Prov: PERMIT WQ0010356-001
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3(a)
 Rqmt Prov: PERMIT WQ0010356-001
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.
 18 Date: 09/30/2004 (355070)
 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
 19 Date: 10/31/2004 (383503)
 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
 20 Date: 07/12/2007 (560079)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Rqmt Prov: PERMIT Permit Conditions
 Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the Commission.
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 Rqmt Prov: PERMIT Monitoring and Reporting Requirements
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and provide written notification within 5 days of becoming aware of the noncompliance.
 21 Date: 07/25/2007 (593231)
 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

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
THE CITY OF NORMANGEE;
RN101916385

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-1362-MWD-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Normangee ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, represented by the Litigation Division, and the City, represented by Brad Castleberry of the law firm of Lloyd Gosselink Rochelle & Townsend, P.C., presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

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

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment plant located on Caney Creek, east of Farm-to-Market Road 39, in Normangee, Leon County, Texas (the "Facility"). The Facility has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.
2. During a record review conducted on March 10, 2004, a TCEQ Central Office Investigator documented that the City failed to comply with permitted effluent limits for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), dissolved oxygen ("DO"), and pH. (See attached table, Attachment "A").

3. During investigations conducted on November 10 and 15, 2004, TCEQ Waco Regional Office investigator documented that the City:
 - a. Failed to properly operate and maintain all systems of collection, treatment, and disposal. Specifically excess solids located on the surface of the Imhoff tank were not being skimmed or broken up, and the empty sludge drying beds contained grass;
 - b. Failed to ensure that the Facility is operated by a licensed chief operator or an operator holding the required level of license or higher a minimum of five days per week; and
 - c. Failed to prevent discharge and accumulation of sludge in the receiving stream.
4. During an investigation conducted on October 30, 2006, a TCEQ Waco Regional Office investigator documented that the City failed to prevent the unauthorized discharge of wastewater into Caney Creek. Specifically, a break in the main line resulted in the discharge of untreated wastewater into the creek.
5. During a records review conducted on August 14, 2004, a TCEQ Central Regional Office investigator documented that the City failed to obtain authorization to discharge wastewater into or adjacent to waters in the state. Specifically, the City failed to renew its Permit and continued to discharge treated effluent into the receiving stream.
6. The City received notice of the violations in paragraph 2 on or about March 20, 2004, the violations in paragraph 3 on or about August 31, 2005, the violations in paragraph 4 on or about November 26, 2006, and the violation in paragraph 5 on or about October 14, 2007.
7. The Executive Director acknowledges that the City has undertaken the following corrective measures in response to this enforcement action:
 - a. The City began complying with permitted effluent limits on March 30, 2004;
 - b. The City removed excess solids on the surface of the Imhoff tank, and removed grass from the empty sludge drying beds on or about November 30, 2007;
 - c. The City hired a licensed operator on January 3, 2005;
 - d. The City removed the solids from the receiving stream on February 8, 2005;
 - e. The City repaired the broken main line on September 1, 2006; and
 - f. The City received TPDES Permit 14787001 on December 19, 2007.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact No. 1, the City is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE § 7.002 and chs. 7 and 26.
2. As evidenced by Finding of Fact No. 2, the City violated 30 TEX. ADMIN. CODE §§ 305.125(1), 317.3(a), 317.7(3), TEX. WATER CODE § 26.121(a)(1), and Texas Pollutant Discharge and Elimination System ("TPDES") Permit No. 10356001 (the "Permit") Effluent Limitations and Monitoring Requirements No. 1, by failing to comply with permitted effluent limits.
3. As evidenced by Finding of Fact No. 3.a., the City violated 30 TEX. ADMIN. CODE § 305.125(5), 317.3(a), and 317.7(e), and the Permit Operational Requirement No. 1, by failing to properly operate and maintain all systems of collection, treatment, and disposal.
4. As evidenced by Finding of Fact No. 3.b., the City violated 30 TEX. ADMIN. CODE § 30.350(c);(j), and (l) and the Permit Operational Requirement No. 1, by failing to ensure that the Facility is operated by a licensed chief operator or an operator holding the required level of license or higher a minimum of five days per week.
5. As evidenced by Finding of Fact No. 3.c., the City violated 30 TEX. ADMIN. CODE § 305.125(1) and (4), TEX. WATER CODE § 26.121(a)(1), and the Permit Operational Requirements No. 1, Interim Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2.g., by failing to prevent discharge and accumulation sludge in the receiving stream.
6. As evidenced by Finding of Fact No. 4, the City violated TEX. WATER CODE § 26.121(a)(1), by failing to prevent the unauthorized discharge of wastewater into Caney Creek
7. As evidenced by Finding of Fact No. 5, the City violated 30 TEX. ADMIN. CODE § 305.63(a) and TEX. WATER CODE § 26.121(a)(1), by failing to obtain authorization to discharge wastewater into or adjacent to waters in the state.
8. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
9. An administrative penalty in the amount of forty-four thousand three hundred fifteen dollars (\$44,315.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in Tex. Water Code § 7.053. The City has paid six thousand six hundred fifty dollars (\$6,650.00) of the administrative penalty. Thirty-seven thousand six hundred sixty-five dollars (\$37,665.00) of the administrative penalty shall be conditionally offset by the City's timely completion of the technical ordering

provisions as noted herein. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon timely completion of all technical ordering provisions.

ORDERING PROVISIONS

1. The City is assessed an administrative penalty in the amount of forty-four thousand three hundred fifteen dollars (\$44,315.00) as set forth in Conclusion of Law No. 9. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "re: City of Normangee, Docket No. -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 comply with the following technical ordering provisions and deadlines:
 - a. On or before November 30, 2008, the City shall submit a grant application (the "Application") to the Office of Rural Community Affairs ("ORCA"), with a copy to the Commission, requesting funds to design and construct chlorination and dechlorination treatment at the Facility;
 - b. Within 90 days of approval or denial of the Application, the City shall retain a consulting engineer and proceed with design of the treatment improvements identified in the Application.
 - c. On or before December 31, 2009, the City shall submit final plans and specifications for the construction of the treatment improvements identified in the Application;
 - d. Within one hundred eighty (180) days of receipt of Commission approval of the plans and specifications for construction of the treatment improvements identified in the Application, the City shall begin construction of the treatment improvements identified in the Application;
 - e. Within six (6) months from the date of Commission approval identified in paragraph d., above, and every six (6) months thereafter until construction is

complete, the City shall submit a written progress report to the Commission regarding the construction status of the treatment improvements;

- f. Construction of the treatment improvements shall be completed no later than October 31, 2010;
- g. The City shall provide written notice to the Executive Director within ten (10) days of completion of each of the technical ordering provisions of this Agreed Order;
- h. The City shall submit to the Commission additional information regarding the status of each of the technical ordering provisions within thirty (30) days of a request by the Commission; and
- i. Within one hundred eighty (180) days after the completion of the treatment improvements, submit written certification of compliance with permitted effluent limits.

The certification shall include detailed supporting documentation including 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 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:

Frank Burleson, Water Section Manager
Texas Commission on Environmental Quality
Waco Regional Office
6801 Sanger Avenue, Ste. 2500
Waco, Texas 76710-7826

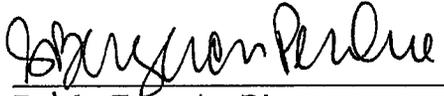
3. The provisions of this Agreed Order shall apply to and be binding upon the City, and the City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering 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.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by 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.
6. 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.
7. ~~This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.~~
8. This Agreed Order, issued by the Commission, shall not be admissible against 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.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

10. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

10/7/08

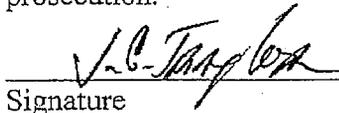
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity 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 in this order and/or my failure to timely pay the penalty amount, may result in:

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

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



Signature

08-28-08

Date

J. C. Traylor

Name (Printed or typed)
Authorized representative of the City of Normangee

Mayor

Title

