

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0341-MWD-E **TCEQ ID:** RN102910262 **CASE NO.:** 32807
RESPONDENT NAME: City of Post

| | | |
|--|---|--|
| ORDER TYPE: | | |
| <input checked="" type="checkbox"/> 1660 AGREED ORDER | <input type="checkbox"/> FINDINGS AGREED ORDER | <input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING |
| <input type="checkbox"/> FINDINGS DEFAULT ORDER | <input type="checkbox"/> SHUTDOWN ORDER | <input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER |
| <input type="checkbox"/> AMENDED ORDER | <input type="checkbox"/> EMERGENCY ORDER | |
| CASE TYPE: | | |
| <input type="checkbox"/> AIR | <input type="checkbox"/> MULTI-MEDIA (check all that apply) | <input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE |
| <input type="checkbox"/> PUBLIC WATER SUPPLY | <input type="checkbox"/> PETROLEUM STORAGE TANKS | <input type="checkbox"/> OCCUPATIONAL CERTIFICATION |
| <input checked="" type="checkbox"/> WATER QUALITY | <input type="checkbox"/> SEWAGE SLUDGE | <input type="checkbox"/> UNDERGROUND INJECTION CONTROL |
| <input type="checkbox"/> MUNICIPAL SOLID WASTE | <input type="checkbox"/> RADIOACTIVE WASTE | <input type="checkbox"/> DRY CLEANER REGISTRATION |
| <p>SITE WHERE VIOLATION(S) OCCURRED: City of Post Wastewater Treatment Facility, located approximately 0.75 mile southeast of the intersection of U.S. Highway 84 and U.S. Highway 380, Garza County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 December 17, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223 TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3048; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Kim M. Mills, Mayor, City of Post, 105 East Main Street, Post, Texas 79356 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 type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 31, 2007</p> <p>Date of NOV/NOE Relating to this Case: February 14, 2007 (NOE)</p> <p>Background Facts: This was a routine records review. Two violations were documented.</p> <p>WATER</p> <p>1) Failed to comply with permit effluent limits for Dissolved Oxygen, 5-Day Biochemical Oxygen Demand, and Total Suspended Solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0013048001, Effluent Limitations and Monitoring Requirements No. 1 and 6].</p> <p>2) Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2006 [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013048001, Sludge Provisions].</p> | <p>Total Assessed: \$14,450</p> <p>Total Deferred: \$2,890 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,560</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> | <p>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>a. Within 15 days after the effective date of this Agreed Order, submit the 2006 annual sludge report; and</p> <p>b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013048001 and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.</p> |

Additional ID No(s): WQ0013048001

Attachment A
Docket Number: 2007-0341-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Post
Penalty Amount: Eleven Thousand Five Hundred Sixty Dollars [\$11,560]
SEP Offset Amount: Eleven Thousand Five Hundred Sixty Dollars [\$11,560]
Type of SEP: Custom – tire collection event
Location of SEP: Garza County

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

1. Project Description

A. Project

The Respondent shall conduct a waste tire collection and disposal event in the City of Post. The City shall place tire collection dumpsters throughout the City and advertise to the public the locations of the dumpsters. Tires shall be collected by city staff and transported by a licensed hauler to a permitted facility for processing. Specifically, SEP funds will be used to pay for heavy equipment such as tractor loaders, backhoes, a dump truck, trailers, labor, and other direct costs associated with the event. The Respondent shall only use City labor after hours or on weekends to conduct the event. The event shall be conducted at no cost to the citizens.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

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 helping rid the community of the attractive nuisance that can harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the atmosphere should the illegally dumped tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may spend more than the offset amount to complete the SEP.

2. Performance Schedule

Within 90 days after the effective date of this Agreed Order, the Respondent shall begin the SEP. The Respondent shall complete the project within 365 days after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. If the event is completed prior to the end of 90 days, the Respondent shall submit a final report as described in section B., below instead of a progress report.

B. Final Report

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

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of tires collected;
5. Map showing specific location of waste collection sites;
6. Photographs of the project;
7. Manifests showing proper transport and disposal of the tires; and
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment 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.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision January 9, 2007

| | | | | | | |
|-------|----------|-------------|-----------|-------------|---------|--|
| DATES | Assigned | 20-Feb-2007 | Screening | 27-Feb-2007 | EPA Due | |
| | PCW | 1-Mar-2007 | | | | |

| | | | |
|---------------------------------|--------------|--------------------|-------|
| RESPONDENT/FACILITY INFORMATION | | | |
| Respondent | City of Post | | |
| Reg. Ent. Ref. No. | RN102910262 | | |
| Facility/Site Region | 2-Lubbock | Major/Minor Source | Minor |

| | | | |
|-------------------|-----------------|-------------------|-------------------|
| CASE INFORMATION | | | |
| Enf./Case ID No. | 32807 | No. of Violations | 2 |
| Docket No. | 2007-0341-MWD-E | Order Type | 1660 |
| Media Program(s) | Water Quality | Enf. Coordinator | Heather Brister |
| Multi-Media | | EC's Team | EnforcementTeam 1 |
| Admin. Penalty \$ | Limit Minimum | \$0 | Maximum |
| | | | \$10,000 |

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$5,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 207% Enhancement Subtotals 2, 3, & 7 \$10,350

Notes: The Respondent self-reported 39 months of effluent quality violations, received two Notices of Violation ("NOV") for violations considered to be same or similar, and received one NOV for a violation not considered to be same or similar.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5 \$0

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

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

Total EB Amounts \$4,388 0% Enhancement* Subtotal 6 \$0
Approx. Cost of Compliance \$50,200 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$15,350

OTHER FACTORS AS JUSTICE MAY REQUIRE -6% Adjustment -\$900

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

Notes: Recommend reduction in the penalty so that monthly self-reported effluent violations do not overly impact the penalty amount and to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount \$14,450

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$14,450

DEFERRAL 20% Reduction Adjustment -\$2,890

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 \$11,560

Screening Date 27-Feb-2007

Docket No. 2007-0341-MWD-E

PCW

Respondent City of Post

Policy Revision 2 (September 2002)

Case ID No. 32807

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102910262

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

| Component | Number of... | Enter Number Here | Adjust. |
|-------------------------------|--|-------------------|---------|
| NOVs | Written NOV's with same or similar violations as those in the current enforcement action (number of NOV's meeting criteria) | 41 | 205% |
| | Other written NOV's | 1 | 2% |
| 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) 207%

>> 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 self-reported 39 months of effluent quality violations, received two Notices of Violation ("NOV") for violations considered to be same or similar, and received one NOV for a violation not considered to be same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 207%

Screening Date 27-Feb-2007

Docket No. 2007-0341-MWD-E

PCW

Respondent City of Post

Policy Revision 2 (September 2002)

Case ID No. 32807

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102910262

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 1

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0013048001, Effluent Limitations and Monitoring Requirements No. 1 and 6.

Violation Description Failed to comply with permit effluent limits as documented by a TCEQ record review of self-reported data conducted on January 31, 2007, and as shown in the attached table.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor | Percent |
|---------------|-------|----------|-------|---------|
| | | | | 0% |

Matrix Notes

A simplified model was used to evaluate five-day biochemical oxygen demand (BOD5) to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total suspended solids and dissolved oxygen were also considered. As a result of these discharges, human health or the environment have been exposed to insignificant amounts of pollutants which do not exceed levels harmful to human health or environmental receptors.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 4 Number of violation days 243

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

Violation Base Penalty \$4,000

Four quarterly events recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$4,377

Violation Final Penalty Total \$11,560

This violation Final Assessed Penalty (adjusted for limits) \$11,560

Economic Benefit Worksheet

Respondent City of Post
 Case ID No. 32807
 Reg. Ent. Reference No. RN102910262
 Media Water Quality
 Violation No. 1

| Percent Interest | Years of Depreciation |
|------------------|-----------------------|
| 5.0 | 15 |

| | Item Cost | Date Required | Final Date | Yrs | Interest Saved | Onetime Costs | EB Amount |
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|
|--|-----------|---------------|------------|-----|----------------|---------------|-----------|

Item Description: 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) | \$50,000 | 31-Jan-2006 | 1-Nov-2007 | 1.8 | \$4,377 | n/a | \$4,377 |

Notes for DELAYED costs

Estimated cost for implementing necessary rehabilitation work to the facility. Date Required is the initial month of noncompliance. Final Date is the anticipated date of compliance.

Avoided Costs

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

| | | | | | | | |
|-------------------------------|--|--|--|-----|-----|-----|-----|
| Disposal | | | | 0.0 | \$0 | \$0 | \$0 |
| Personnel | | | | 0.0 | \$0 | \$0 | \$0 |
| Inspection/Reporting/Sampling | | | | 0.0 | \$0 | \$0 | \$0 |
| Supplies/equipment | | | | 0.0 | \$0 | \$0 | \$0 |
| Financial Assurance [2] | | | | 0.0 | \$0 | \$0 | \$0 |
| ONE-TIME avoided costs [3] | | | | 0.0 | \$0 | \$0 | \$0 |
| Other (as needed) | | | | 0.0 | \$0 | \$0 | \$0 |

Notes for AVOIDED costs

Approx. Cost of Compliance

\$50,000

TOTAL

\$4,377

| Effluent Limit Violation Table | | table rev. |
|---|-------------------------------|------------|
| Respondent | City of Post | |
| ID Number(s) | TPDES Permit No. WQ0013048001 | |
| Docket Number | 2007-0341-MWD-E | |
| Enf. Coordinator | Heather Brister | |
| Corresponds to Violation Number: | 1 | |

| <i>EFFLUENT PARAMETER</i> | | | | |
|---------------------------|--|--|--|---|
| <i>Permit Limit</i> | | | | |
| | Dissolved Oxygen Minimum 4.0 Milligrams per Liter | 5-Day Biochemical Oxygen Demand Daily Average 30 Milligrams per Liter | 5-Day Biochemical Oxygen Demand Daily Maximum 70 Milligrams per Liter | Total Suspended Solids Daily Average 90 Milligrams per Liter |
| <i>Month/Year</i> | | | | |
| Jan-06 | c | 36 | c | c |
| Feb-06 | c | 57 | c | c |
| Mar-06 | c | 49 | c | c |
| Apr-06 | 3.9 | 53 | 80 | c |
| May-06 | c | 36 | c | 93 |
| Jun-06 | c | 36 | c | 120 |
| Jul-06 | c | c | c | 119 |
| Oct-06 | c | c | c | 98 |

** C = Compliant

Screening Date 27-Feb-2007

Docket No. 2007-0341-MWD-E

PCW

Respondent City of Post

Policy Revision 2 (September 2002)

Case ID No. 32807

PCW Revision January 9, 2007

Reg. Ent. Reference No. RN102910262

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0013048001, Sludge Provisions

Violation Description

Failed to submit monitoring results at the intervals specified in the permit. Specifically the Respondent failed to submit the annual sludge report for the monitoring period ending July 31, 2006, as documented during the January 31, 2007 record review investigation.

Base Penalty \$10,000

>> Environmental, Property and Human Health Matrix

OR

| Release | Harm | | |
|-----------|-------|----------|-------|
| | Major | Moderate | Minor |
| Actual | | | |
| Potential | | | |

Percent 0%

>> Programmatic Matrix

| Falsification | Major | Moderate | Minor |
|---------------|-------|----------|-------|
| | x | | |

Percent 10%

Matrix Notes

The Respondent failed to comply with 100% of the rule requirement.

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 | |
| | annual | |
| | single event | x |

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$12

Violation Final Penalty Total \$2,890

This violation Final Assessed Penalty (adjusted for limits) \$2,890

Economic Benefit Worksheet

Respondent City of Post
Case ID No. 32807
Reg. Ent. Reference No. RN102910262
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 |
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|
|------------------|-----------|---------------|------------|-----|----------------|---------------|-----------|

Item Description: 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) | \$200 | 1-Sep-2006 | 1-Nov-2007 | 1.2 | \$12 | n/a | \$12 |

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report. Date Required is the date the reports were due. 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

\$200

TOTAL

\$12

Compliance History

| | | | | |
|-------------------------------------|----------------------|--------------|-------------------------|-------------------|
| Customer/Respondent/Owner-Operator: | CN600248876 | City of Post | Classification: AVERAGE | Rating: 1.66 |
| Regulated Entity: | RN102910262 | CITY OF POST | Classification: AVERAGE | Site Rating: 1.79 |
| ID Number(s): | WASTEWATER | | PERMIT | WQ0013048001 |
| | WASTEWATER | | PERMIT | TPDES0001511 |
| | WASTEWATER | | PERMIT | TX0001511 |
| | WASTEWATER LICENSING | | LICENSE | WQ0013048001 |

Location: Located approximately 0.75 mile southeast of the intersection of U.S. Highway 84 and U. S. Highway 380 in Garza County, Texas
 Rating Date: September 01 06 Repeat Violator: NO

TCEQ Region: REGION 02 - LUBBOCK
 Date Compliance History Prepared: February 21, 2007
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: February 21, 2002 to February 21, 2007
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: 512-239-1203

Site Compliance History Components

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

Components (Multimedia) for the Site :

- | | |
|--|-----|
| A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. Chronic excessive emissions events. | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.) | |

- | | | |
|----|------------|----------|
| 1 | 02/25/2002 | (154654) |
| 2 | 03/18/2002 | (154656) |
| 3 | 04/15/2002 | (154661) |
| 4 | 05/17/2002 | (154664) |
| 5 | 06/26/2002 | (154667) |
| 6 | 07/16/2002 | (154669) |
| 7 | 08/12/2002 | (154672) |
| 8 | 09/27/2002 | (154675) |
| 9 | 10/16/2002 | (13979) |
| 10 | 11/12/2002 | (154678) |
| 11 | 11/18/2002 | (154682) |
| 12 | 12/16/2002 | (154686) |
| 13 | 01/13/2003 | (154690) |
| 14 | 02/13/2003 | (294051) |
| 15 | 03/12/2003 | (154657) |
| 16 | 04/24/2003 | (154662) |
| 17 | 05/27/2003 | (294055) |
| 18 | 06/23/2003 | (294056) |
| 19 | 07/25/2003 | (294057) |
| 20 | 08/21/2003 | (150877) |
| 21 | 09/12/2003 | (294059) |
| 22 | 09/17/2003 | (294058) |
| 23 | 10/24/2003 | (351545) |
| 24 | 11/12/2003 | (351546) |
| 25 | 12/18/2003 | (351547) |
| 26 | 01/23/2004 | (351548) |
| 27 | 02/17/2004 | (294052) |
| 28 | 03/25/2004 | (294053) |
| 29 | 04/19/2004 | (294054) |
| 30 | 05/27/2004 | (351540) |
| 31 | 06/25/2004 | (275270) |
| 32 | 06/28/2004 | (351541) |

33 07/16/2004 (351542)
 34 09/14/2004 (333794)
 35 09/20/2004 (351544)
 36 10/04/2004 (351543)
 37 10/20/2004 (381564)
 38 11/09/2004 (381565)
 39 11/11/2004 (340875)
 40 12/23/2004 (381566)
 41 01/17/2005 (381567)
 42 02/07/2005 (381561)
 43 03/07/2005 (381562)
 44 04/07/2005 (374965)
 45 04/08/2005 (381563)
 46 05/13/2005 (419342)
 47 06/13/2005 (419343)
 48 07/06/2005 (395758)
 49 07/21/2005 (440537)
 50 08/15/2005 (440538)
 51 09/01/2005 (404865)
 52 09/13/2005 (440539)
 53 10/09/2005 (467898)
 54 11/18/2005 (467899)
 55 12/12/2005 (467900)
 56 01/23/2006 (467901)
 57 02/21/2006 (467896)
 58 03/20/2006 (467897)
 59 04/20/2006 (497878)
 60 05/22/2006 (497879)
 61 06/22/2006 (497880)
 62 07/24/2006 (519903)
 63 08/22/2006 (519904)
 64 09/20/2006 (519905)
 65 02/14/2007 (538717)

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

Date: **02/28/2002** (154656)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: **03/31/2002** (154661)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: **04/30/2002** (154664)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: **05/31/2002** (154667)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: **06/30/2002** (154669)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date: **07/31/2002** (154672)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **08/01/2003** (143344)
 Self Report? NO Classification: Minor
 Rqmt Prov: PERMIT WQ0013048-001
 Description: Failure to prevent the entry of solid or viscous pollutants in amounts which will cause obstruction to the flow in the POTW, resulting in interference

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT WQ0013048-001
 Description: Failure to properly operate and maintain the wastewater treatment facilities.

Date: **09/30/2003** (351545)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **12/31/2003** (351548)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2004** (294052)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **02/29/2004** (294053)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **05/31/2004** (351541)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **06/25/2004** (275270)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 13048-001
 Description: Failure to properly composite flow proportional effluent samples.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT 13048-001
 Description: Failure to maintain effluent BOD and TSS levels below permit limits.

Date: **06/30/2004** (351542)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2004** (351543)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **10/31/2004** (381565)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **08/31/2002** (154675)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **09/30/2002** (154678)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **10/31/2002** (154682)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2002** (154686)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2003** (294051)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **02/28/2003** (154657)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **03/31/2003** (154662)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **04/30/2003** (294055)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **05/31/2003** (294056)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **06/30/2003** (294057)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2003** (294058)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **11/30/2004** (381566)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **03/31/2005** (381563)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **04/07/2005** (374965)
 Self Report? NO Classification: Minor
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
 Rqmt Prov: PERMIT Monitoring and Reporting Requirement 7
 Description: Unauthorized discharge from a collection line.

Date: **07/06/2005** (395758)
 Self Report? YES Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT WQ0013048-001
 Description: Failure to comply with self-monitored effluent limits, specifically BOD

Date: **08/31/2005** (440539)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **09/30/2005** (467898)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **10/31/2005** (467899)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **01/31/2006** (467896)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **02/28/2006** (467897)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **03/31/2006** (497878)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **04/30/2006** (497879)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

Date: **05/31/2006** (497880)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **06/30/2006** (519903)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **07/31/2006** (519904)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: **10/31/2006**
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

- F. Environmental audits. N/A
- G. Type of environmental management systems (EMSs). N/A
- H. Voluntary on-site compliance assessment dates. N/A
- I. Participation in a voluntary pollution reduction program. N/A
- J. Early compliance. N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF POST
RN102910262

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2007-0341-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 Post ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located approximately 0.75 mile southeast of the intersection of U.S. Highway 84 and U.S. Highway 380 in Garza 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 February 19, 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 Fourteen Thousand Four Hundred Fifty Dollars (\$14,450) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eleven Thousand Five Hundred Sixty Dollars (\$11,560) of the administrative

penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project and Two Thousand Eight Hundred Ninety Dollars (\$2,890) 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.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollution Discharge Elimination System ("TPDES") Permit No. WQ0013048001, Effluent Limitations and Monitoring Requirements No. 1 and 6. as documented during a record review conducted on January 31, 2007, and as shown in the following table:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that proper record-keeping is essential for the integrity of the financial system and for the ability to detect and prevent fraud. The document also notes that records should be kept for a sufficient period of time to allow for a thorough review if necessary.

In addition, the document highlights the need for transparency and accountability in all financial activities. It states that all transactions should be clearly documented and that the responsible parties should be identified. This helps to ensure that there is no ambiguity or confusion regarding the flow of funds and the use of resources.

The document also addresses the issue of data security and privacy. It stresses that all financial data should be protected from unauthorized access and disclosure. This can be achieved through the implementation of robust security measures, such as encryption and access controls, and through the adoption of strict privacy policies.

Furthermore, the document discusses the importance of regular audits and reviews. It notes that these activities are crucial for identifying any weaknesses or irregularities in the financial system and for ensuring that all transactions are in compliance with applicable laws and regulations. Audits should be conducted by independent parties to ensure objectivity and fairness.

The document also touches upon the role of technology in financial record-keeping. It mentions that the use of digital systems can greatly improve the efficiency and accuracy of record-keeping. However, it also cautions that the implementation of such systems must be done carefully to ensure that all data is properly backed up and that there are adequate disaster recovery plans in place.

In conclusion, the document provides a comprehensive overview of the key principles and practices for maintaining accurate and secure financial records. It serves as a valuable guide for anyone involved in financial management and record-keeping, emphasizing the importance of transparency, accountability, and regular oversight.

| EFFLUENT PARAMETER | | | | |
|---------------------------|--|--|--|---|
| Permit Limit | | | | |
| | Dissolved Oxygen Minimum 4.0 Milligrams per Liter | 5-Day Biochemical Oxygen Demand Daily Average 30 Milligrams per Liter | 5-Day Biochemical Oxygen Demand Daily Maximum 70 Milligrams per Liter | Total Suspended Solids Daily Average 90 Milligrams per Liter |
| Month/Year | | | | |
| Jan-06 | c | 36 | c | c |
| Feb-06 | c | 57 | c | c |
| Mar-06 | c | 49 | c | c |
| Apr-06 | 3.9 | 53 | 80 | c |
| May-06 | c | 36 | c | 93 |
| Jun-06 | c | 36 | c | 120 |
| Jul-06 | c | c | c | 119 |
| Oct-06 | c | c | c | 98 |

*** c = compliant

- Failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0013048001, Sludge Provisions, as documented during the January 31, 2007 record review investigation. Specifically, the City failed to submit the annual sludge report for the monitoring period ending July 31, 2006.

III. DENIALS

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

IV. ORDERING PROVISIONS

- 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 Post, Docket No. 2007-0341-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, Eleven Thousand Five Hundred Sixty Dollars (\$11,560) 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 15 days after the effective date of this Agreed Order, submit the 2006 annual sludge report to:

Compliance Monitoring Team
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0013048001. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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:

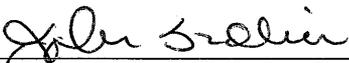
Water Section, Manager
Lubbock Regional Office
Texas Commission on Environmental Quality
4630 50th Street, Suite 600
Lubbock, Texas 79414-3520

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

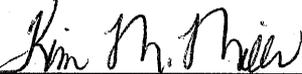
Date 12/21/2007

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

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

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

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



Signature

Date 10-4-07

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

Title Mayor

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: 2007-0341-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Post
Penalty Amount: Eleven Thousand Five Hundred Sixty Dollars [\$11,560]
SEP Offset Amount: Eleven Thousand Five Hundred Sixty Dollars [\$11,560]
Type of SEP: Custom – tire collection event
Location of SEP: Garza County

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

1. Project Description

A. Project

The Respondent shall conduct a waste tire collection and disposal event in the City of Post. The City shall place tire collection dumpsters throughout the City and advertise to the public the locations of the dumpsters. Tires shall be collected by city staff and transported by a licensed hauler to a permitted facility for processing. Specifically, SEP funds will be used to pay for heavy equipment such as tractor loaders, backhoes, a dump truck, trailers, labor, and other direct costs associated with the event. The Respondent shall only use City labor after hours or on weekends to conduct the event. The event shall be conducted at no cost to the citizens.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs.

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 helping rid the community of the attractive nuisance that can harbor vermin and mosquitoes that can carry West Nile virus. The cleanup will also help prevent release of harmful chemicals into the atmosphere should the illegally dumped tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent understands that it may spend more than the offset amount to complete the SEP.

2. Performance Schedule

Within 90 days after the effective date of this Agreed Order, the Respondent shall begin the SEP. The Respondent shall complete the project within 365 days after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above. If the event is completed prior to the end of 90 days, the Respondent shall submit a final report as described in section B., below instead of a progress report.

B. Final Report

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

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of tires collected;
5. Map showing specific location of waste collection sites;
6. Photographs of the project;
7. Manifests showing proper transport and disposal of the tires; and
8. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, with the payment, the Respondent shall include the docket number of this Agreed Order and a note that it is for reimbursement of an SEP. The payment 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.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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

