

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2005-1134-MWD-E **TCEQ ID:** RN101916492 **CASE NO.:** 26004

RESPONDENT NAME: City of Cranfills Gap

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 Cranfills Gap wastewater system, approximately 900 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 219, Cranfills Gap, Bosque County</p> <p>TYPE OF OPERATION: Domestic wastewater system</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 July 23, 2007. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Lindsey Jones, Enforcement Division, Enforcement Team 4, MC 149, (512) 239-4930; Mr. David Van Soest, Enforcement Division, MC 219, (512) 239-0468 Respondent: The Honorable David Witte, Mayor, City of Cranfills Gap, P.O. Box 156, Cranfills Gap, Texas 76637 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>Dates of Investigations Relating to this Case: June 8 and July 13, 2005</p> <p>Dates of NOEs Relating to this Case: June 22 and August 26, 2005 (NOE)</p> <p>Background Facts: These were routine investigations. Eight violations were documented.</p> <p>WATER</p> <p>1) Failed to meet total suspended solids ("TSS") and total chlorine residual effluent limitations [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollution Discharge Elimination System ("TPDES") Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failed to submit the annual sludge report for the monitoring period ending July 2004 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014169001, Sludge Provisions].</p> <p>3) Failed to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained. Specifically, during the investigation it was noted that inflow and infiltration adversely affected the Facility. The lift station high water alarm was on and wastewater was six inches from the lid [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014169001, Operational Requirements, No. 1].</p> <p>4) Failed to have a backflow prevention device tested annually to protect potable water at the Facility [30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i)].</p> <p>5) Failed to install a measuring device that</p>	<p>Total Assessed: \$16,100</p> <p>Total Deferred: \$3,220 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$12,880</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the Respondent installed a backflow prevention device on May 9, 2005.</p> <p>Ordering Provisions:</p> <p>2) The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Order, ensure that any waste removed from the Facility shall be transported and disposed of in accordance with TPDES Permit No. WQ0014169001, TCEQ rules, transporter registration terms and conditions and applicable State requirements for the transport and disposal water treatment plant sludge.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Submit the delinquent annual sludge report for the monitoring period ending July 2004;</p> <p>ii. Ensure that the plants and all of the systems of collection, treatment, and disposal are properly operated and maintained, including areas where severe corrosion exists;</p> <p>iii. Conduct an annual test of the backflow prevention device on the potable water line;</p> <p>iv. Install a measuring device that is capable of accurately measuring the actual flow range;</p> <p>v. Train personnel who maintain day-to-day control over the Facility to observe documentation demonstrating authorization for a sludge transporter to dispose of sludge from a wastewater treatment facility;</p> <p>c. Within 60 days after the effective date of this Agreed Order, conduct an engineering evaluation of the collection system and WWTP to evaluate the causes and necessary corrective actions to reduce the</p>

<p>is capable of accurately measuring the actual flow range. Specifically, the Respondent was measuring the flow by ultrasonic flow measurement device without the use of a secondary element [30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements, No. 5].</p> <p>6) Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state without authorization from the Commission. Specifically, raw sewage discharged from the City's manhole [30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>7) Failed to orally notify the TCEQ of an unauthorized discharge on March 9, 2004 within 24 hours and submit written notification within five days [30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements No. 7(a)].</p> <p>8) Failed to ensure that the transporter of sludge from the Facility had authorization from the TCEQ to handle and dispose sewage sludge [30 TEX. ADMIN. CODE § 312.141(a) and TPDES Permit No. WQ0014169001, Sludge Provisions, Section I.A.].</p>		<p>infiltration and inflow of storm water into the collection system to a manageable level and eliminate the unauthorized discharges of wastewater from the collection system and WWTP. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a., 2.b.i-iv., and 2.c.</p>
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Policy Revision 2 (September 2002)

Penalty Calculation Worksheet (PCW)

PCW Revision May 10, 2005

DATES	Assigned	27-Jun-2005	Screening	05-Jul-2005	EPA Due	
	PCW	21-Sep-2005				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Cranfills Gap
Reg. Ent. Ref. No.	RN101916492
Facility/Site Region	9-Waco
Major/Minor Source	Minor Source

CASE INFORMATION			
Enf./Case ID No.	26004	No. of Violations	7
Docket No.	2005-1134-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Brent Hurta
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

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

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

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

Notes

Culpability **Subtotal 4**

Notes

Good Faith Effort to Comply **Subtotal 5**

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

Notes

Economic Benefit **Subtotal 6**

Total EB Amounts	<input type="text" value="\$2,810"/>	0% Enhancement*
Approx. Cost of Compliance	<input type="text" value="\$26,750"/>	<small>*Capped at the Total EB \$ Amount</small>

SUM OF SUBTOTALS 1-7 **Final Subtotal**

OTHER FACTORS AS JUSTICE MAY REQUIRE **Adjustment**

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

Notes

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty**

DEFERRAL **Adjustment**

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

Notes

PAYABLE PENALTY

Screening Date 05-Jul-2005 **Docket No.** 2005-1134-MWD-E **PCW**
Respondent City of Cranfills Gap *Policy Revision 2 (September 2002)*
Case ID No. 26004 *PCW Revision May 10, 2005*
Reg. Ent. Reference No. RN101916492
Media [Statute] Water Quality
Enf. Coordinator Brent Hurta

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	8	40%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were disclosed)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
Other	<i>Please Enter Yes or No</i>		
	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) 40%

>> **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 six months of self-reported effluent violations and two Commission issued NOVs with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 40%

Screening Date 05-Jul-2005	Docket No. 2005-1134-MWD-E	PCW
Respondent City of Cranfills Gap	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 26004	<small>PCW Revision May 10, 2005</small>	
Reg. Ent. Reference No. RN101916492		
Media [Statute] Water Quality		
Enf. Coordinator Brent Hurta		
Violation Number <input type="text" value="1"/>		
Primary Rule Cite(s)	TPDES Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and Tex. Water Code § 26.121(a)	
Secondary Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and (5); TPDES Permit No. WQ0014169001, Operational Requirements No. 1	
Violation Description	Failure to comply with the permitted effluent limits as shown in the attached violation table, as documented during a record review conducted on June 8, 2005. In addition, the City of Cranfills Gap failed to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained, as documented during an investigation conducted on July 13, 2005. Specifically, during the investigation it was noted that inflow and infiltration were adversely affecting the Facility. The lift station high water alarm was on and wastewater was six inches from the lid.	

Base Penalty

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

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

>> **Programmatic Matrix**

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

Matrix Notes

The amounts discharged at the time of the violations were insignificant and did not exceed levels protective of human health or the environment.

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Three quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cranfills Gap
 Case ID No. 26004
 Reg. Ent. Reference No. RN101916492
 Media [Statute] Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$5,000	01-May-2004	28-Feb-2006	1.8	\$31	\$610	\$641
Engineering/construction	\$20,000	18-Aug-2004	28-Feb-2006	1.5	\$102	\$2,042	\$2,144
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost for additional oversight and sampling which could have reduced or alleviated the exceedances and to conduct engineering study to address inflow infiltration problems. The date required is the date the noncompliances started and the final date is the expected date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance **\$25,000** TOTAL **\$2,785**

Screening Date 05-Jul-2005	Docket No. 2005-1134-MWD-E	PCW
Respondent City of Cranfills Gap	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 26004	<i>PCW Revision May 10, 2005</i>	
Reg. Ent. Reference No. RN101916492		
Media [Statute] Water Quality		
Enf. Coordinator Brent Hurta		
Violation Number <input type="text" value="2"/>		
Primary Rule Cite(s)	30 Tex. Admin. Code § 305.125(17), TPDES Permit No. WQ0014169001, Sludge Provisions	
Secondary Rule Cite(s)		
Violation Description	Failure to submit the annual sludge report for the monitoring period ending July 2004, as documented during a record review conducted on June 8, 2005.	

Base Penalty

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

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

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cranfills Gap
 Case ID No. 26004
 Reg. Ent. Reference No. RN101916492
 Media [Statute] Water Quality
 Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				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	01-Jul-2004	28-Feb-2006	1.7	\$17	n/a	\$17

Notes for DELAYED costs: Estimated cost to complete and submit the monthly DMRs. Date required is the due date for the annual report and the final date is the expected date of compliance.

Item Description	ANNUALIZE [1] avoided costs before entering Item (except for one-time avoided costs)	Yrs	Interest Saved	Onetime Costs	EB Amount
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 **\$17**

Screening Date 05-Jul-2005	Docket No. 2005-1134-MWD-E	PCW
Respondent City of Cranfills Gap	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 26004	<small>PCW Revision May 10, 2005</small>	
Reg. Ent. Reference No. RN101916492		
Media [Statute] Water Quality		
Enf. Coordinator Brent Hurta		
Violation Number <input type="text" value="3"/>		
Primary Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code §§ 317.4(a)(8) and 317.7(i)"/>	
Secondary Rule Cite(s)	<input type="text"/>	
Violation Description	<input type="text" value="Failure to have a backflow prevention device tested annually to protect potable water at the Facility, as documented during an investigation conducted on July 13, 2005."/>	
Base Penalty		<input type="text" value="\$10,000"/>

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

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

>> **Programmatic Matrix**

		Falsification	Major	Moderate	Minor	
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text"/>
Matrix Notes	<input type="text" value="The potable water supply could become contaminated and as a consequence human health could be exposed to significant amounts of pollutants which would exceed levels that are protective of human health or environmental receptors."/>					

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cranfills Gap
Case ID No. 26004
Reg. Ent. Reference No. RN101916492
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

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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	\$200	09-May-2005	09-May-2005	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

Estimated material and labor costs to annually test a backflow prevention device from the inspection date to the date of compliance.
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Approx. Cost of Compliance

TOTAL

Screening Date 05-Jul-2005	Docket No. 2005-1134-MWD-E	PCW
Respondent City of Cranfills Gap	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 26004	<i>PCW Revision May 10, 2005</i>	
Reg. Ent. Reference No. RN101916492		
Media [Statute] Water Quality		
Enf. Coordinator Brent Hurta		
Violation Number <input type="text" value="4"/>		
Primary Rule Cite(s)	30 Tex. Admin. Code § 319.11(c), TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements, No. 5	
Secondary Rule Cite(s)		
Violation Description	Failure to properly measure permitted flow as documented during an investigation conducted on July 13, 2005. Specifically, the Respondent was measuring the flow by ultrasonic flow measurement device without the use of a secondary element.	
Base Penalty	\$10,000	

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

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

>> **Programmatic Matrix**

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

Matrix Notes

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount

Statutory Limit Test

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cranfills Gap
 Case ID No. 26004
 Reg. Ent. Reference No. RN101916492
 Media [Statute] Water Quality
 Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	\$50	13-Jul-2005	28-Feb-2006	0.6	\$0	\$2	\$2
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs Cost to purchase and install a staff gauge. The date required is the investigation date and the final date is the expected date of compliance.

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

Notes for AVOIDED costs

Approx. Cost of Compliance TOTAL

Screening Date 05-Jul-2005 **Docket No.** 2005-1134-MWD-E **PCW**
Respondent City of Cranfills Gap *Policy Revision 2 (September 2002)*
Case ID No. 26004 *PCW Revision May 10, 2005*
Reg. Ent. Reference No. RN101916492
Media [Statute] Water Quality
Enf. Coordinator Brent Hurta
Violation Number 5
Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements No. 1
Secondary Rule Cite(s) Tex. Water Code § 26.121(a)
Violation Description Failure to prevent the unauthorized discharge of wastewater on March 9, 2004 from the collection system into or adjacent to water in the state, as documented during an inspection on July 13, 2005. Specifically, raw sewage discharged from the City's manhole.

Base Penalty \$10,000

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

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

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

Violation Base Penalty \$1,000

One single event is recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount \$0

Statutory Limit Test

Violation Final Penalty Total \$1,400

This violation Final Assessed Penalty (adjusted for limits) \$1,400

Economic Benefit Worksheet

Respondent City of Cranfills Gap
 Case ID No. 26004
 Reg. Ent. Reference No. RN101916492
 Media [Statute] Water Quality
 Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs: Economic benefit is addressed under Violation 3.

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

Notes for AVOIDED costs:

Approx. Cost of Compliance TOTAL

Screening Date 05-Jul-2005 **Docket No.** 2005-1134-MWD-E **PCW**
Respondent City of Cranfills Gap *Policy Revision 2 (September 2002)*
Case ID No. 26004 *PCW Revision May 10, 2005*
Reg. Ent. Reference No. RN101916492
Media [Statute] Water Quality
Enf. Coordinator Brent Hurta
Violation Number 6
Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(9)(A) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements No. 7(a)
Secondary Rule Cite(s)
Violation Description Failure to orally notify the TCEQ of an unauthorized discharge which occurred on March 9, 2004 within 24 hours and submit written notification within five days, as documented during an inspection on July 13, 2005.

Base Penalty \$10,000

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

		Harm			
Release		Major	Moderate	Minor	
OR	Actual				Percent
	Potential				

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes 100% of the requirement was not met.

Adjustment -\$9,000

Base Penalty Subtotal \$1,000

Violation Events

Number of Violation Events 1

<i>mark only one use a small x</i>	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 \$3

Violation Final Penalty Total \$1,400

This violation Final Assessed Penalty (adjusted for limits) \$1,400

Economic Benefit Worksheet

Respondent City of Cranfills Gap
Case ID No. 26004
Reg. Ent. Reference No. RN101916492
Media [Statute] Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

Notes for DELAYED costs

Item Description	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)			Yrs	Interest Saved	Onetime Costs	EB Amount
	Cost	Date Required	Final Date				
Disposal				0.0	\$0	\$0	\$0
Personnel	\$1,200	09-Mar-2004	10-Mar-2004	0.0	\$0	\$3	\$3
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
 Estimated cost associated with proper notification.

Approx. Cost of Compliance **\$1,200** **TOTAL \$3**

Screening Date	05-Jul-2005	Docket No.	2005-1134-MWD-E	PCW
Respondent	City of Cranfills Gap			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	26004			<i>PCW Revision May 10, 2005</i>
Reg. Ent. Reference No.	RN101916492			
Media [Statute]	Water Quality			
Enf. Coordinator	Brent Hurta			
Violation Number	7			
Primary Rule Cite(s)	30 Tex. Admin. Code § 312.141(a) and TPDES Permit No. WQ0014169001, Sludge Provisions, Section I.A.			
Secondary Rule Cite(s)				
Violation Description	Failure to ensure that the transporter of sludge from the Facility had authorization from the TCEQ to handle and dispose sewage sludge, as documented during an investigation conducted on July 13, 2005. Specifically, a sludge disposal receipt was submitted from a company unauthorized to dispose of sludge from a wastewater treatment facility.			

Base Penalty

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

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

>> **Programmatic Matrix**

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

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

Adjustment

Base Penalty Subtotal

Violation Events

Number of Violation Events

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cranfills Gap
 Case ID No. 26004
 Reg. Ent. Reference No. RN101916492
 Media [Statute] Water Quality
 Violation No. 7

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling	\$100	13-Jul-2005	28-Feb-2006	0.6	\$3	n/a	\$3
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost to train personnel.

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 **\$100** TOTAL **\$3**

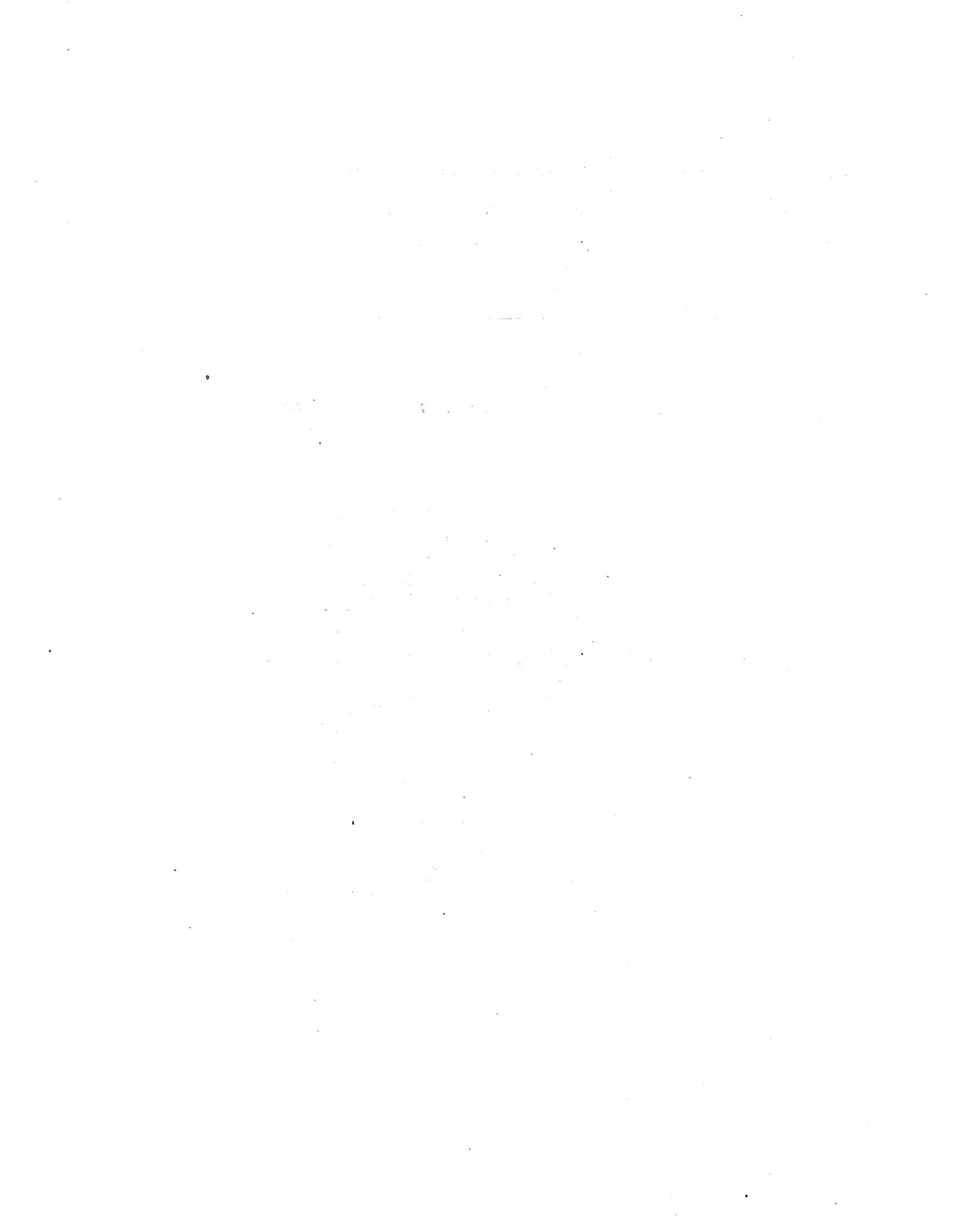
Attachment 1

Effluent Limit Violation Table for Violation No. 1	
Respondent	City of Cranfills Gap
ID Number(s)	TPDES Permit No. WQ0014169001; Enforcement Case No. 26004
Docket No.	2005-1134-MWD-E
Enf. Coordinator	Brent Hurta

***EFFLUENT PARAMETER
Permit Limit***

<i>Month/Year</i>	Cl Maximum	TSS Daily Average	TSS Daily Maximum	TSS Daily Average
	4 mg/L	6.7 lbs/day	65 mg/L	20 mg/L
May 2004	4.6	c	c	c
August 2004	5	c	c	c
October 2004	4.11	c	c	c
November 2004	4.5	c	c	c
December 2004	5	14.13	66	31

Term	Abbreviation
pounds per day	lbs/day
total chlorine residual	Cl
milligrams per Liter	mg/L
compliant	c
total suspended solids	TSS



Compliance History

Customer/Respondent/Owner-Operator: CN600639728 City of Cranfills Gap Classification: AVERAGE Rating: 1.620
Regulated Entity: RN101916492 CITY OF CRANFILLS GAP Classification: AVERAGE Site Rating: 0.23
ID Number(s): WASTEWATER PERMIT TX0122360
WASTEWATER PERMIT TPDES0122360
WASTEWATER PERMIT WQ0014169001
Location: INTERSECTION OF HWY 22 AND FM 219, CRANFILLS GAP, BOSQUE COUNTY, TEXAS Rating Date: 9/1/05 Repeat Violator: NO
TCEQ Region: REGION 09 - WACO
Date Compliance History Prepared: July 4, 2005
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: July 4, 2000 to July 4, 2005

TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Brent Hurta Phone: 512-239-6589

Site Compliance History Components

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

6. Comments:

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 12/03/2003 (328324)
- 2 12/10/2003 (328325)
- 3 12/30/2003 (328326)
- 4 02/25/2004 (328327)
- 5 11/04/2004 (337833)
- 6 04/22/2005 (376288)
- 7 01/24/2005 (390353)
- 8 01/24/2005 (390354)
- 9 01/24/2005 (390355)
- 10 06/24/2005 (395328)
- 11 08/30/2005 (399993)
- 12 05/05/2003 (236046)
- 13 09/27/2004 (289002)
- 14 04/14/2005 (427831)
- 15 05/05/2004 (367614)

16 04/14/2005 (427832)
 17 05/05/2004 (367615)
 18 07/01/2004 (367616)
 19 07/06/2005 (427833)
 20 07/01/2004 (367617)
 21 07/06/2005 (427834)
 22 11/01/2004 (367618)
 23 11/01/2004 (367619)
 24 07/06/2005 (427835)
 25 11/01/2004 (367620)
 26 02/25/2004 (328317)
 27 11/01/2004 (367621)
 28 08/14/2003 (328318)
 29 06/09/2003 (328319)
 30 08/14/2003 (328320)
 31 08/14/2003 (328321)
 32 08/14/2003 (328322)
 33 12/03/2003 (328323)

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

Date: 09/20/2004 (285670)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 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 IA
 Description: Failure by the permittee to orally notify the TCEQ of an unauthorized discharge within 24 hours and submit written notification within 5 days.

Date: 10/31/2004 (390353)
 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 (390354)
 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: 12/31/2004 (390355)
 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: 08/23/2004 (289002)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 Rqmt Prov: PERMIT IA
 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(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure by the permittee protect public drinking water supply at the wastewater treatment plant through installation of an air gap or a backflow prevention device.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.3(b)(3)
 Rqmt Prov: PERMIT IA
 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 317 317.4(d)(2)
 Rqmt Prov: PA IA
 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)
 Rqmt Prov: PERMIT IA
 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(1)
30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: PERMIT IA

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)(B)

Rqmt Prov: PERMIT IA

Description: Failure to provide records in a timely manner when records are required to be readily available for review during investigation.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)

Rqmt Prov: PERMIT IA

Description: Failure by the permittee to comply with test procedures specified in 319.11 - 319.12.

Date: 05/31/2004 (367617)

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: 08/31/2004 (367620)

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 (328321)

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 CRANFILLS GAP
RN101916492**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2005-1134-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 Cranfills Gap (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 domestic wastewater system located approximately 900 feet southeast of the intersection of State Highway 22 and Farm-to-Market Road 219 in Cranfills Gap, Bosque 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 June 27, 2005 and August 31, 2005 .
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Sixteen Thousand One Hundred Dollars (\$16,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Twelve Thousand Eight Hundred Eighty Dollars (\$12,880) of the administrative penalty and Three Thousand Two Hundred Twenty Dollars (\$3,220) 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 recognizes the City installed a backflow prevention device on May 9, 2005.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to meet total suspended solids ("TSS") and total chlorine residual effluent limitations, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollution Discharge Elimination System ("TPDES") Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on June 8, 2005 and shown in the following table:

EFFLUENT PARAMETER
Permit Limit

	Cl Maximum	TSS Daily Average	TSS Daily Maximum	TSS Daily Average
<i>Month/Year</i>	4 mg/L	6.7 lbs/day	65 mg/L	20 mg/L
May 2004	4.6	c	c	c
August 2004	5	c	c	c
October 2004	4.11	c	c	c
November 2004	4.5	c	c	c
December 2004	5	14.13	66	31

Term	Abbreviation
pounds per day	lbs/day
total chlorine residual	Cl
milligrams per Liter	mg/L
compliant	c
total suspended solids	TSS

2. Failed to submit the annual sludge report for the monitoring period ending July 2004, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014169001, Sludge Provisions, as documented during a record review conducted on June 8, 2005.
3. Failed to ensure that the Facility and all its systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014169001, Operational Requirements, No. 1, as documented during an investigation conducted on July 13, 2005. Specifically, during the investigation it was noted that inflow and infiltration adversely affected the Facility. The lift station high water alarm was on and wastewater was six inches from the lid.
4. Failed to have a backflow prevention device tested annually to protect potable water at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i), as documented during an inspection conducted on July 13, 2005.
5. Failed to install a measuring device that is capable of accurately measuring the actual flow range, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements, No. 5, as documented during an investigation conducted

on July 13, 2005. Specifically, the City was measuring the flow by ultrasonic flow measurement device without the use of a secondary element.

6. Failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state without authorization from the Commission, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TEX. WATER CODE § 26.121(a), and TPDES Permit No. WQ0014169001, Effluent Limitations and Monitoring Requirements No. 1, as documented during an inspection conducted on July 13, 2005. Specifically, raw sewage discharged from the City's manhole.
7. Failed to orally notify the TCEQ of an unauthorized discharge on March 9, 2004 within 24 hours and submit written notification within five days, in violation of 30 TEX. ADMIN. CODE § 305.125(9)(A) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements No. 7(a), as documented during an inspection conducted on July 13, 2005.
8. Failed to ensure that the transporter of sludge from the Facility had authorization from the TCEQ to handle and dispose sewage sludge, in violation of 30 TEX. ADMIN. CODE § 312.141(a) and TPDES Permit No. WQ0014169001, Sludge Provisions, Section I.A., as documented during an inspection conducted on July 13, 2005.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The imposition of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Cranfills Gap, Docket No. 2005-1134-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. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Order, ensure that any waste removed from the Facility is transported and disposed of in accordance with TPDES Permit No.

WQ0014169001, TCEQ rules, transporter registration terms and conditions and applicable State requirements for the transport and disposal water treatment plant sludge.

- b. Within 30 days after the effective date of this Agreed Order:
- i. Submit the delinquent annual sludge report for the monitoring period ending July 2004 to:

Compliance Monitoring Team (MC 224)
Enforcement Division
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087
 - ii. Ensure that the Facility and all of the systems of collection, treatment, and disposal are properly operated and maintained, including areas where severe corrosion exists, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014169001;
 - iii. Conduct an annual test of the backflow prevention device on the potable water line, in accordance with 30 TEX. ADMIN. CODE §§ 317.4(a)(8) and 317.7(i);
 - iv. Install a measuring device that is capable of accurately measuring the actual flow range, in accordance with 30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0014169001, Monitoring and Reporting Requirements, No. 5;
 - v. Train personnel who maintain day-to-day control over the Facility to observe documentation demonstrating authorization for a sludge transporter to dispose of sludge from a wastewater treatment facility, in accordance with 30 TEX. ADMIN. CODE § 312.141(a) and TPDES Permit No. WQ0014169001, Sludge Provisions, Section I.A.;
- c. Within 60 days after the effective date of this Agreed Order, conduct an engineering evaluation of the collection system and the Facility to evaluate the causes and necessary corrective actions to reduce the infiltration and inflow ("I/I") of storm water into the collection system to a manageable level and eliminate the unauthorized discharges of wastewater from the collection system and the Facility. The evaluation shall be prepared by a Texas registered professional engineer and shall include a plan and schedule for the completion of necessary corrective actions; and
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision nos. 2.a., 2.b.i.-iv., and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Manager, Water Section
Waco Regional Office
Texas Commission on Environmental Quality
6801 Sanger Avenue, Suite 2500
Waco, Texas 76710-7826

3. 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.
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. 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.

7. 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.
8. 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

12/28/2007

Date

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

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

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

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



Signature

5-14-07

Date

DAVID DWITTE

Name (Printed or typed)
Authorized Representative of
City of Cranfills Gap

MAYOR

Title

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

