

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1366-MWD-E **TCEQ ID:** RN102342128 **CASE NO.:** 34480

RESPONDENT NAME: City of Willow Park

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 Willow Park Wastewater Treatment System, located approximately three miles southeast of the intersection of Interstate Highway 20 and Farm-to-Market Road ("FM") 5, approximately 1.6 miles southwest of the intersection of FM 1187 and FM 5, Parker County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment system</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Several complaints were received starting on June 29, 2007, regarding a sewage discharge from the Facility. The investigator observed that some of the treatment units were overflowing and wastewater was overflowing onto the ground. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received, but the complainants have not expressed a desire to protest this action or to speak at Agenda.</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 Attorney/SEP Coordinator: TCEQ Enforcement Coordinator: Ms. Lynley Doyen, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1364; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Linn Wetwiska, Mayor, City of Willow Park, 516 Ranch House Road, Willow Park, Texas 76087 Mr. Claud R. Arnold, City Administrator, City of Willow Park, 516 Ranch House Road, Willow Park, Texas 76087 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 checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: Several, beginning on June 29, 2007</p> <p>Date of Investigation Relating to this Case: July 2, 2007</p> <p>Date of NOV/NOE Relating to this Case: August 7, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation. Four violations were documented.</p> <p>WATER</p> <p>1) Failed to ensure that an operator holding the required level of license or higher is available by telephone or pager seven days per week. Specifically, at the time of the investigation both operators were on vacation and personnel without proper certification levels were making changes in Facility operations in response to an unauthorized discharge [30 TEX. ADMIN. CODE § 30.350(j) and TCEQ Permit No. WQ0013759001, Special Provisions No. 2].</p> <p>2) Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, the investigator observed that the drum on the chlorination system was empty [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.6(b)(1) and TCEQ Permit No. WQ0013759001, Special Provisions No. 3].</p> <p>3) Failed to notify the TCEQ of an unauthorized discharge within the required timeframes of 24 hours (oral notification) and five working days (written description) from the time the City became aware of the noncompliance. Specifically, the City became aware of an unauthorized discharge on or around June 30, 2007, but did not notify the TCEQ by telephone until July 2, 2007 and a written description of the noncompliance was not submitted [30 TEX. ADMIN. CODE § 305.125(9)(A) and TCEQ</p>	<p>Total Assessed: \$9,200</p> <p>Total Deferred: \$1,840 <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: \$7,360</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>The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>1) On or before July 3, 2007:</p> <p>a) Filled the drum on the chlorination system with chlorine;</p> <p>b) Pumped the treatment units to lower the water level, removed and properly disposed of the standing water, and replaced the failed pump on the effluent holding tank;</p> <p>2) On August 23, 2007, provided a written description for the unauthorized discharge at the Facility; and</p> <p>3) On August 24, 2007, hired an additional qualified operator to ensure that an operator holding the required level of license or higher is available by telephone or pager seven days per week.</p>

<p>Permit No. WQ0013759001, Standard Provisions No. 2.a.].</p> <p>4) Failed to prevent the unauthorized discharge of wastewater from the Facility. Specifically, the pump used to transport water from the effluent holding tank to the storage ponds failed and during the investigation partially treated wastewater was observed overflowing from the effluent holding tank to the ground. The wastewater pooled around the treatment units and flowed along the driveway to Thunderhead Road [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4), and TCEQ Permit No. WQ0013759001, Standard Provisions No. 2.b.].</p>		
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Additional ID No(s): WQ0013759001

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Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	13-Aug-2007	Screening	21-Aug-2007	EPA Due	
	PCW	10-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Willow Park		
Reg. Ent. Ref. No.	RN102342128		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34480	No. of Violations	4
Docket No.	2007-1366-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
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	\$8,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	25% Enhancement	Subtotals 2, 3, & 7	\$2,000
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Notes: The penalty is enhanced due to one NOV with violations same or similar to those cited in this action and one final agreed enforcement order containing a denial of liability.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$800
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		X
N/A		(mark with x)

Notes: The Respondent achieved compliance on August 24, 2007.

Total EB Amounts	\$27	0% Enhancement*	Subtotal 6	\$0
Approx. Cost of Compliance	\$8,125	<i>*Capped at the Total EB \$ Amount</i>		

SUM OF SUBTOTALS 1-7	Final Subtotal	\$9,200
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

Final Penalty Amount	\$9,200
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$9,200
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DEFERRAL	20% Reduction	Adjustment	-\$1,840
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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	\$7,360
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Screening Date 21-Aug-2007
Respondent City of Willow Park
Case ID No. 34480
Reg. Ent. Reference No. RN102342128
Media [Statute] Water Quality
Enf. Coordinator Lynley Doyen

Docket No. 2007-1366-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	1	5%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 25%

>> **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 penalty is enhanced due to one NOV with violations same or similar to those cited in this action and one final agreed enforcement order containing a denial of liability.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 25%

Screening Date 21-Aug-2007	Docket No. 2007-1366-MWD-E	PCW
Respondent City of Willow Park		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34480		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102342128		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 30.350(j) and TCEQ Permit No. WQ0013759001, Special Provisions No. 2"/>	
Violation Description	<input type="text" value="Failed to ensure that an operator holding the required level of license or higher is available by telephone or pager seven days per week. Specifically, at the time of the investigation both operators were on vacation and personnel without proper certification levels were making changes in Facility operations in response to an unauthorized discharge."/>	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Matrix Notes	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
<input type="text" value="Failure to ensure that a licensed operator is available to oversee plant operations could expose human health or the environment to pollutants which would exceed protective levels."/>					
	Adjustment				<input type="text" value="\$7,500"/>

Violation Events

Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="50"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>		Violation Base Penalty <input type="text" value="\$5,000"/>
	monthly	<input type="text" value="x"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
<input type="text" value="Two monthly events are recommended from the investigation date (July 2, 2007) to the screening date (August 21, 2007)."/>				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$26"/>	Violation Final Penalty Total <input type="text" value="\$5,750"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$5,750"/>	

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 34480
Reg. Ent. Reference No. RN102342128
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$2,600	2-Jul-2007	24-Aug-2007	0.1	\$1	\$26	\$26
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

Estimated annual cost to ensure that qualified operators are available seven days per week. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$2,600

TOTAL:

\$26

Screening Date 21-Aug-2007	Docket No. 2007-1366-MWD-E	PCW
Respondent City of Willow Park		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34480		<small>PCW Revision June 26, 2007</small>
Reg. Ent. Reference No. RN102342128		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(5) and 317.6(b)(1) and TCEQ Permit No. WQ0013759001, Special Provisions No. 3	
Violation Description	Failed to properly operate and maintain all facilities and systems of treatment and control. Specifically, the investigator observed that the drum on the chlorination system was empty.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

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

Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$1,150"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,150"/>	

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 34480
Reg. Ent. Reference No. RN102342128
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$500	2-Jul-2007	3-Jul-2007	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

Estimated cost to fill the chlorine drum and increase operational awareness to ensure the system is maintained properly. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$0

Screening Date 21-Aug-2007

Docket No. 2007-1366-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 2 (September 2002)

Case ID No. 34480

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102342128

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9)(A) and TCEQ Permit No. WQ0013759001, Standard Provisions No. 2.a.

Violation Description

Failed to notify the TCEQ of an unauthorized discharge within the required timeframes of 24 hours (oral notification) and five working days (written description) from the time the City became aware of the noncompliance. Specifically, the City became aware of an unauthorized discharge on or around June 30, 2007, but did not notify the TCEQ by telephone until July 2, 2007 and a written description of the noncompliance was not submitted.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	

>> Programmatic Matrix

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

Matrix Notes

Less than 30% of the rule requirement was met.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Willow Park
Case ID No. 34480
Reg. Ent. Reference No. RN102342128
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System	\$25	1-Jul-2007	23-Aug-2007	0.1	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to notify the TCEQ of unauthorized discharges. Date required is the date notification was due to TCEQ. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$25

TOTAL

\$0

Screening Date 21-Aug-2007

Docket No. 2007-1366-MWD-E

PCW

Respondent City of Willow Park

Policy Revision 2 (September 2002)

Case ID No. 34480

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102342128

Media [Statute] Water Quality

Enf. Coordinator Lynley Doyen

Violation Number

Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(4), and TCEQ Permit No. WQ0013759001, Standard Provisions No. 2.b.

Violation Description

Failed to prevent the unauthorized discharge of wastewater from the Facility, as documented during the investigation. Specifically, the pump used to transport water from the effluent holding tank to the storage ponds failed and during the investigation partially treated wastewater was observed overflowing from the holding tank to the ground. The wastewater pooled around the treatment units and flowed along the driveway to Thunderhead Road.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR

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

Percent

>> Programmatic Matrix

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

Percent

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed protective levels as a result of the unauthorized discharge.

Adjustment

Violation Events

Number of Violation Events

Number of violation days

mark only one with an x

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

Violation Base Penalty

One quarterly event is recommended from the investigation date (July 2, 2007) to the date of compliance (July 3, 2007).

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 Willow Park
Case ID No. 34480
Reg. Ent. Reference No. RN102342128
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$5,000	2-Jul-2007	3-Jul-2007	0.0	\$1	n/a	\$1
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to remove and properly dispose of the discharge, pump the excess water from the treatment units and replace the effluent holding tank pump. Date required is the investigation date. Final date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN600666374 City of Willow Park Classification: AVERAGE Rating: 5.98
Regulated Entity: RN102342128 CITY OF WILLOW PARK Classification: AVERAGE Site Rating: 18.60
ID Number(s): WASTEWATER WASTEWATER LICENSING PERMIT LICENSE WQ0013759001 WQ0013759001
Location: LOCATED APPRX 3 M SE OF THE INTX OF IH-20 AND FM 5, APPRX 1.6 M SW OF THE INTX OF FM 1187 AND FM 5, PARKER CO, TX Rating Date: September 01 06 Repeat Violator: NO
TCEQ Region: REGION 04 - DFW METROPLEX
Date Compliance History Prepared: August 20, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 20, 2002 to August 20, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Lynley Doyen Phone: 512-239-1364

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? Yes
3. If Yes, who is the current owner? City of Willow Park
4. If Yes, who was/were the prior owner(s)? Deercreek Waterworks, Inc.
5. When did the change(s) in ownership occur? 08/17/2005

Components (Multimedia) for the Site :

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

Effective Date: 09/23/2002

ADMINORDER 2001-1341-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(8)
TWC Chapter 26 26.121

Rqmt Prov: Not specified PERMIT

Description: Failure to dispose of wastewater plant effluent via irrigation on designated acreage per permit.

Classification: Moderate

Citation: 30 TAC Chapter 210, SubChapter A 210.4(a)[G]

Description: Failure to submit written notification to the executive director and obtain written approval prior to providing reclaimed water to another for use.

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 02/17/2005 (350858)
2 01/12/2006 (437103)
3 06/23/2006 (467307)
4 04/26/2007 (556932)
5 06/13/2007 (562859)

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

Date: 04/27/2007 (556932)

Self Report? NO

Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)

Classification: Minor

30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Rqmt Prov: PERMIT Sludge, Section III (G), page 17.
Description: Failure to submit annual sludge report.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]

Rqmt Prov: PERMIT Standard Provisions, No. 2 (b), page 21.

Description: Failure to prevent the unauthorized discharge of wastewater from the treatment plant.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limitations, No. A, page 2.
Description: Failure to comply with the effluent permit limits for chlorine and BOD5.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Standard Provisions, No. 2 (c), page 21.

Description: Failure to submit noncompliance notifications for effluent violations that deviated from the permit limit by more than 40%.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 317 317.6(b)(1)(A)
30 TAC Chapter 317 317.6(b)(1)(B)
30 TAC Chapter 317 317.6(b)(1)(C)
30 TAC Chapter 317 317.6(b)(1)(D)
30 TAC Chapter 317 317.6(b)(1)(E)
30 TAC Chapter 317 317.6(b)(1)(F)
30 TAC Chapter 317 317.6(b)(1)(G)
30 TAC Chapter 317 317.6(b)(1)[G]

Description: Failure to provide the necessary safety equipment in the building housing the chlorine gas cylinders.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Standard Provisions, No. 2 (a), page 21.

Description: The wastewater treatment plant is adversely affected by I/I in the collection system.

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 WILLOW PARK
RN102342128

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1366-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 the City of Willow Park ("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 treatment system located approximately three miles southeast of the intersection of Interstate Highway 20 and Farm-to-Market Road ("FM") 5, approximately 1.6 miles southwest of the intersection of FM 1187 and FM 5 in Parker 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 August 12, 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 Nine Thousand Two Hundred Dollars (\$9,200) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Thousand Three Hundred Sixty Dollars (\$7,360) of the administrative penalty and One Thousand Eight Hundred Forty Dollars (\$1,840) 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 that the City has implemented the following corrective measures at the Facility:
 - a. On or before July 3, 2007:
 - i. Filled the drum on the chlorination system with chlorine;
 - ii. Pumped the treatment units to lower the water level, removed and properly disposed of the standing water, and replaced the failed pump on the effluent holding tank;
 - b. On August 23, 2007, provided a written description for the unauthorized discharge at the Facility; and
 - c. On August 24, 2007, hired an additional qualified operator to ensure that an operator holding the required level of license or higher is available by telephone or pager seven days per week.
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 ensure that an operator holding the required level of license or higher is available by telephone or pager seven days per week, in violation of 30 TEX. ADMIN. CODE § 30.350(j) and TCEQ Permit No. WQ0013759001, Special Provisions No. 2, as documented during an investigation conducted on July 2, 2007. Specifically, at the time of the investigation both operators were on vacation and personnel without proper certification levels were making changes in Facility operations in response to an unauthorized discharge.
2. Failed to properly operate and maintain all facilities and systems of treatment and control, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.6(b)(1) and TCEQ Permit No. WQ0013759001, Special Provisions No. 3, as documented during an investigation conducted on July 2, 2007. Specifically, the investigator observed that the drum on the chlorination system was empty.
3. Failed to notify the TCEQ of an unauthorized discharge within the required timeframes of 24 hours (oral notification) and five working days (written description) from the time the City became aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9)(A) and TCEQ Permit No. WQ0013759001, Standard Provisions No. 2.a. as documented during an investigation conducted on July 2, 2007. Specifically, the City became aware of an unauthorized discharge on or around June 30, 2007, but did not notify the TCEQ by telephone until July 2, 2007 and a written description of the noncompliance was not submitted.
4. Failed to prevent the unauthorized discharge of wastewater from the Facility, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4), and TCEQ Permit No. WQ0013759001, Standard Provisions No. 2.b., as documented during an investigation conducted on July 2, 2007. Specifically, the pump used to transport water from the effluent holding tank to the storage ponds failed and during the investigation partially treated wastewater was observed overflowing from the effluent holding tank to the ground. The wastewater pooled around the treatment units and flowed along the driveway to Thunderhead Road.

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Willow Park, Docket No. 2007-1366-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 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.
3. 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.
4. 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.
5. 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 12/7/07

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

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

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

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



Signature

Date 10/05/07

Claud R Arnold
Name (Printed or typed)
Authorized Representative of
City of Willow Park

City Administrator
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.

Handwritten text at the top of the page, including a date and possibly a recipient's name. The text is very faint and difficult to decipher.

Main body of handwritten text, consisting of several lines of cursive script. The text is mostly illegible due to fading and bleed-through from the reverse side of the page.

Handwritten signature or name on the left side of the page.

Handwritten signature or name on the right side of the page.

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