EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2006-0332-MWD-E **TCEQ ID:** RN101919959 **CASE NO.:** 28815

RESPONDENT NAME: City of Collinsville

ORDER TYPE:		
X 1660 AGREED ORDER	__FINDINGS AGREED ORDER	__FINDINGS ORDER FOLLOWING SOAH HEARING
__FINDINGS DEFAULT ORDER	__SHUTDOWN ORDER	__IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
__AMENDED ORDER	__EMERGENCY ORDER	
CASE TYPE:		
__AIR	__MULTI-MEDIA (check all that apply)	__INDUSTRIAL AND HAZARDOUS WASTE
__PUBLIC WATER SUPPLY	__PETROLEUM STORAGE TANKS	__OCCUPATIONAL CERTIFICATION
X WATER QUALITY	__SEWAGE SLUDGE	__UNDERGROUND INJECTION CONTROL
__MUNICIPAL SOLID WASTE	__RADIOACTIVE WASTE	__DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: City of Collinsville Wastewater Treatment Plant, located approximately 0.5 mile southeast of the intersection of U. S. Highway 377 and Farm-to-Market Road 902 in Collinsville, Grayson County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ____ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is one additional pending enforcement action regarding this facility location, Docket No. 2005-0502-MWD-E.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on December 3, 2007. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney/SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Brad Kerr, Mayor, City of Collinsville, P.O. Box 649, Collinsville, Texas 76233
Respondent's Attorney: Mr. Arturo D. Rodriguez, Rodriguez, Russell, Moorman, & Rodriguez, LLP, 102 West Morrow Street, Suite 103, Georgetown, Texas 78626

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: __ Complaint X Routine __ Enforcement Follow-up __ Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** January 18, 2006 **Date of NOV/NOE Relating to this Case:** March 13, 2006 (NOE) **Background Facts:** This was a routine investigation. Four violations were documented. **WATER** 1) Failed to conduct the required annual testing of the backflow prevention device [30 TEX. ADMIN. CODE § 317.4(a)(8)]. 2) Failed to report noncompliances which deviate from the permitted effluent limitations by more than 40% [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10151001 Monitoring and Reporting Requirements No. 7(c)]. 3) Failed to prevent the unauthorized discharge and accumulation of excess solids in the receiving stream [30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5), TPDES Permit No. 10151001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(d), and TEX. WATER CODE § 26.121(a)]. 4) Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(d), and TPDES Permit No. 10151001 Operational Requirements No. 1].	**Total Assessed:** $24,955 **Total Deferred:** $4,991 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $19,964 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** __ Yes X No **Applicable Penalty Policy:** September 2002	**Ordering Provisions:** 1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A) 2) The Order will also require the Respondent to: a. Immediately after the effective date of this Agreed Order, begin submitting noncompliance notification for all effluent violations that deviate from the permit limit by more than 40% to the TCEQ DFW Regional Office; b. Within 30 days after the effective date of this Agreed Order, conduct the required annual testing of the backflow prevention device at the Facility; c. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of all solids and foam in the receiving stream, on the surface of the clarifier and its weirs, in the chlorine contact chamber, and in the digester; and d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a. through 2.c. The written certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance.

Additional ID(s): TPDES Permit No. TX0034410

Attachment A
Docket Number: 2006-0332-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Collinsville
Penalty Amount:	Nineteen Thousand Nine Hundred Sixty-Four Dollars ($19,964)
SEP Offset Amount:	Nineteen Thousand Nine Hundred Sixty-Four Dollars ($19,964)
Type of SEP:	Custom (with pre-approved concept)
Location of SEP:	Grayson County

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

1. Project Description

A. Project

The Respondent shall extend first-time sewer service to one moderate-income household and a church that are currently utilizing older on-site septic systems in a rural area. The septic systems are located at 26390 Farm-to-Market Road 902 and 877 Woodland in Collinsville. The Respondent agrees to properly decommission (remove or backfill) the existing septic tanks at no cost to the owners.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.

- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent agrees that if it does not spend the requisite SEP offset that it will pay the difference to the TCEQ General Revenue Fund.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of connections made to central sewer;
5. Map showing specific location of the properties where connections were achieved;
6. Photographs of the project; and

7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that the payment is for reimbursement of a SEP, and shall make the payment for any amount due to "Texas Commission on Environmental Quality" and mail to:

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

If payment for non-performance is required, the Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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

Penalty Calculation Worksheet (PCW)

TCEQ

Policy Revision 2 (September 2002) *PCW Revision May 19, 2005*

DATES **Assigned** 20-Mar-2006
PCW 25-Apr-2006 **Screening** 23-Mar-2006 **EPA Due**

RESPONDENT/FACILITY INFORMATION

Respondent	City of Collinsville		
Reg. Ent. Ref. No.	RN101919959		
Facility/Site Region	4-Dallas/Fort Worth	**Major/Minor Source**	Minor Source

CASE INFORMATION

Enf./Case ID No.	28815	**No. of Violations**	4
Docket No.	2006-0332-MWD-E	**Order Type**	1660
Media Program(s)	Water Quality	**Enf. Coordinator**	Pamela Campbell
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*** $19,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **117%** Enhancement ***Subtotals 2, 3, & 7*** $22,815

Notes: The Respondent received three NOVs for the same or similar violations, one NOV for unrelated violations, and has 20 months of self-reported effluent violations.

Culpability No **0%** Enhancement ***Subtotal 4*** $0

Notes: The Respondent does not meet the culpability criteria.

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

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

Notes: The Respondent is not yet in compliance.

Economic Benefit **0%** Enhancement* ***Subtotal 6*** $0

**Capped at the Total EB $ Amount*

Total EB Amounts	$10,005
Approx. Cost of Compliance	$54,210

SUM OF SUBTOTALS 1-7 **Final Subtotal** $42,315

OTHER FACTORS AS JUSTICE MAY REQUIRE 41% Reduction **Adjustment** -$17,360

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

Notes: Recommend reduction in penalty so that noncompliance notification violations do not overly impact the penalty amount.

Final Penalty Amount $24,955

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** $24,955

DEFERRAL 20% Reduction **Adjustment** -$4,991

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY $19,964

Screening Date 23-Mar-2006 **Docket No.** 2006-0332-MWD-E **PCW**
Respondent City of Collinsville *Policy Revision 2 (September 2002)*
Case ID No. 28815 *PCW Revision May 19, 2005*
Reg. Ent. Reference No. RN101919959
Media [Statute] Water Quality
Enf. Coordinator Pamela Campbell

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action *(number of NOVs meeting criteria)*	23	115%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability *(number of orders meeting criteria)*	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government *(number of judgements or consent decrees meeting criteria)*	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government *(number of counts)*	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which violations were disclosed)*	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) **117%**

>> **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 received three NOVs for the same or similar violations, one NOV for unrelated violations, and has 20 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) **117%**

Screening Date 23-Mar-2006 **Docket No.** 2006-0332-MWD-E **PCW**

Respondent City of Collinsville *Policy Revision 2 (September 2002)*

Case ID No. 28815 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101919959

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number	1
Primary Rule Cite(s)	30 Tex. Admin. Code § 317.4(a)(8)
Secondary Rule Cite(s)	
Violation Description	Failure to conduct the required annual testing of the backflow prevention device.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

Matrix Notes: Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of this violation.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 1

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	x
single event	

Violation Base Penalty $1,000

One annual event is recommended for the 12 month period preceeding the investigation date.

Economic Benefit (EB) for this violation

Estimated EB Amount $210

Statutory Limit Test

Violation Final Penalty Total $1,280

This violation Final Assessed Penalty (adjusted for limits) $1,280

Economic Benefit Worksheet

Respondent City of Collinsville
Case ID No. 28815
Reg. Ent. Reference No. RN101919959
Media [Statute] Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs							
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
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]	$200	18-Jun-2005	18-Jun-2006	1.0	$10	$200	$210
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs	Cost of testing the backflow prevention device.						

Approx. Cost of Compliance $200

TOTAL $210

Screening Date 23-Mar-2006 **Docket No.** 2006-0332-MWD-E **PCW**

Respondent City of Collinsville *Policy Revision 2 (September 2002)*

Case ID No. 28815 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101919959

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 2

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 10151001 Monitoring and Reporting Requirements No. 7(c)

Secondary Rule Cite(s)

Violation Description Failure to report noncompliances which deviate from the permitted effluent limitations by more than 40%. As noted during the January 18, 2006 investigation, the Respondent failed to report the effluent violations that occurred in January, and March through November 2005. The reported ammonia nitrogen daily average concentration and daily average loading violations ranged from 50% to 500% more than the permit limits.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			
Potential			

OR

Percent

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor
	x		

Percent 10%

Matrix Notes: 100% of the rule requirement was not met.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events: 10

mark only one use a small x	
daily	
monthly	
quarterly	
semiannual	
annual	
single event	x

Violation Base Penalty $10,000

Ten single events are recommended (one for each report).

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $12,797

This violation Final Assessed Penalty (adjusted for limits) $12,797

Economic Benefit Worksheet

Respondent City of Collinsville
Case ID No. 28815
Reg. Ent. Reference No. RN101919959
Media [Statute] Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$10	20-Feb-2005	30-Nov-2006	1.8	$0	$1	$1
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 This is the estimated cost to prepare noncompliance notifications, make a copy, and send the original to the TCEQ. The date required is date that the first noncompliance should have been reported and the final date is the anticipated date of compliance.

Avoided Costs							
	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$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 $10

TOTAL $1

Screening Date 23-Mar-2006 **Docket No.** 2006-0332-MWD-E **PCW**

Respondent City of Collinsville *Policy Revision 2 (September 2002)*

Case ID No. 28815 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101919959

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 3

Primary Rule Cite(s) 30 Tex. Admin. Code § 305.125(1)and 305.125(5), TPDES Permit No. 10151001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(d), and Tex. Water Code § 26.121(a)

Secondary Rule Cite(s)

Violation Description Failure to prevent the unauthorized discharge and accumulation of excess solids in the receiving stream. As documented during the January 18, 2006 investigation, the receiving stream contained excessive accumulations of solids.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual		x	
Potential			

OR

Percent 25%

>> **Programmatic Matrix**

Falsification	Major	Moderate	Minor

Percent

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

Adjustment -$7,500

Base Penalty Subtotal $2,500

Violation Events

Number of Violation Events 3

mark only one use a small x	
daily	
monthly	x
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty $7,500

Three monthly events are recommended from the investigation date (January 18, 2006) to the screening date (March 23, 2006).

Economic Benefit (EB) for this violation

Estimated EB Amount $9,750

Statutory Limit Test

Violation Final Penalty Total $9,598

This violation Final Assessed Penalty (adjusted for limits) $9,598

Economic Benefit Worksheet

Respondent City of Collinsville
Case ID No. 28815
Reg. Ent. Reference No. RN101919959
Media [Statute] Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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)	$50,000	30-Mar-2004	30-Nov-2006	2.7	$445	$8,904	$9,349
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	$3,000	30-Mar-2004	30-Nov-2006	2.7	$401	n/a	$401
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs: This is the estimated cost to remove and properly dispose of the sludge in the receiving stream and to replace and repair the portions of the collection system that have deteriorated due to inflow and infiltration. The date required is the date that these violations were initially discovered and the final date is the anticipated date of compliance.

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

Disposal				0.0	$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 $53,000

TOTAL $9,750

Screening Date 23-Mar-2006 **Docket No.** 2006-0332-MWD-E **PCW**

Respondent City of Collinsville *Policy Revision 2 (September 2002)*

Case ID No. 28815 *PCW Revision May 19, 2005*

Reg. Ent. Reference No. RN101919959

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 4

Primary Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5) and 317.4(d), and TPDES Permit No. 10151001 Operational Requirements No. 1

Secondary Rule Cite(s)

Violation Description Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained. Specifically, there was an excessive amount of foam and solids in the clarifier, an excessive amount of foam in the digester, and solids in the chlorine contact chamber.

Base Penalty $10,000

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

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

OR

Percent 10%

>> **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 as a result of these violations.

Adjustment -$9,000

Base Penalty Subtotal $1,000

Violation Events

Number of Violation Events 1

mark only one, use a small x	
daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date (January 18, 2006) to the screening date (March 23, 2006).

Economic Benefit (EB) for this violation

Estimated EB Amount $43

Statutory Limit Test

Violation Final Penalty Total $1,280

This violation Final Assessed Penalty (adjusted for limits) $1,280

Economic Benefit Worksheet

Respondent City of Collinsville
Case ID No. 28815
Reg. Ent. Reference No. RN101919959
Media [Statute] Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost (No commas or $)	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	$1,000	18-Jan-2006	30-Nov-2006	0.9	$43	n/a	$43
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0

Notes for DELAYED costs This is the estimated cost to remove and properly dispose of the solids in the clarifier, digester, and chlorine contact chamber. The date required is the investigation date and the final date is the anticipated date of compliance.

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

Disposal				0.0	$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 $1,000

TOTAL $43

Compliance History

Customer/Respondent/Owner-Operator:	CN600334460	City of Collinsville	Classification: AVERAGE	Rating: 1.31
Regulated Entity:	RN101919959	CITY OF COLLINSVILLE	Classification: AVERAGE	Site Rating: 1.31
ID Number(s):	WASTEWATER	PERMIT		WQ0010151001
	WASTEWATER	PERMIT		TPDES0034410
	WASTEWATER LICENSING	LICENSE		WQ0010151001
Location:	APPROXIMATELY 0.5 MI SE OF HWY 377 AND FM 902 IN GRAYSON COUNTY		Rating Date: 9/1/2005 Repeat Violator: NO	
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	March 22, 2006			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	March 22, 2001 to March 22, 2006			

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

Name: Pamela Campbell Phone: 512 239-4493

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

N/A

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 01/27/2003 (179846)
2 01/25/2002 (179845)
3 02/21/2005 (383917)
4 02/21/2005 (442746)
5 07/21/2005 (442747)
6 06/18/2004 (383918)
7 08/21/2002 (5351)
8 08/22/2005 (442748)
9 11/23/2004 (383919)
10 12/23/2002 (179842)
11 09/19/2005 (442749)
12 05/07/2004 (269575)
13 01/17/2005 (383920)
14 12/20/2004 (442750)
15 12/27/2001 (179841)
16 11/25/2002 (179839)
17 11/26/2001 (179838)
18 10/24/2002 (179836)
19 09/27/2002 (179834)
20 09/26/2001 (179833)

21	08/26/2002	(179831)
22	08/22/2001	(179830)
23	06/13/2002	(179828)
24	06/27/2001	(179827)
25	05/23/2002	(179825)
26	07/03/2001	(39323)
27	05/23/2001	(179824)
28	05/30/2001	(39324)
29	06/21/2001	(39325)
30	02/23/2004	(304543)
31	04/30/2003	(179822)
32	04/26/2002	(179821)
33	03/19/2004	(304544)
34	04/18/2001	(179820)
35	04/19/2004	(304545)
36	05/23/2003	(304546)
37	06/20/2003	(304547)
38	04/14/2003	(179817)
39	07/23/2003	(304548)
40	03/25/2002	(179816)
41	10/27/2003	(304549)
42	09/22/2003	(304550)
43	02/24/2003	(179814)
44	10/23/2003	(304551)
45	11/24/2003	(304552)
46	02/22/2002	(179813)
47	12/22/2003	(304553)
48	01/22/2004	(304554)
49	01/21/2003	(18137)
50	02/28/2005	(371410)
51	09/07/2004	(292327)
52	04/25/2005	(421851)
53	05/19/2005	(421852)
54	05/20/2004	(355803)
55	06/24/2005	(421853)
56	07/21/2004	(355804)
57	08/20/2004	(355805)
58	09/17/2004	(355806)
59	10/15/2004	(355807)
60	03/13/2006	(452369)

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

N/A

Date: 12/31/2002 (179846)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/01/2004 (292327)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(6)[G]

Description: Failure to maintain the equalization basin according to the "OTHER

REQUIREMENTS, Paragraph 3" section of the permit.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to prevent sludge from entering the creek.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit limits for ammonia.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to close an abandoned treatment unit.

Date: 11/30/2002 (179842)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (383917)
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: 11/30/2001 (179841)
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 (383920)
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: 08/19/2002 (5351)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to maintain adequate sample analyses records by not including the time of analysis and the person performing the analysis.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
Description: Failure to maintain adequate sludge disposal records.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 317 317.4(a)(8)
Description: Failure to test the RPZ backflow prevention device on an annual basis.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(b)(1)
30 TAC Chapter 317 317.4(b)(3)
Description: Failure to provide a bar screen which is adequate in preventing debris/solids from getting into the treatment system.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(d)[G]
Description: Failure to maintain the clarifier.

Date: 09/30/2002 (179836)
Self Report? YES Classification: Moderate
Citation:

30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2001 (179824)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/03/2001 (39323)

Self Report? NO Classification: Minor

Rqmt Prov: OP IA

Description: FAILURE TO COMPLY

Date: 03/31/2003 (179822)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2004 (304543)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (304544)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (179817)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (304546)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2002 (179813)

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: 11/30/2003 (304553)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2003 (304554)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/10/2004 (269575)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(6)[G]

Description: Failure to maintain the equalization basin according to the "OTHER REQUIREMENTS, Paragraph 3" section of the permit.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to prevent sludge from entering the creek.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to meet permit limits for ammonia.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to close an abandoned treatment unit.

Date: 03/31/2005 (421851)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2005 (421852)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (421853)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2004 (355805)

Self Report? YES Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2004 (355807)

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	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF COLLINSVILLE	§	
RN101919959	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2006-0332-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 Collinsville ("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, represented by Mr. Arturo D. Rodriguez of the law firm of Russell, Moorman & Rodriguez, LLP, appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located approximately 0.5 mile southeast of the intersection of U. S. Highway 377 and Farm-to-Market Road 902 in Collinsville, Grayson County, Texas (the "Facility").

2. The City has discharged sewage 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 March 18, 2006.

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 Twenty-Four Thousand Nine Hundred Fifty-Five Dollars ($24,955) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Four Thousand Nine Hundred Ninety-One Dollars ($4,991) 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. Nineteen

Thousand Nine Hundred Sixty-Four Dollars ($19,964) shall be conditionally offset by the City's completion of a Supplemental Environmental Project.

7. Any notice and procedures which might otherwise be authorized or required in this action are waived in the interest of a more timely resolution of the matter.

8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.

9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to conduct the required annual testing of the backflow prevention device, in violation of 30 TEX. ADMIN. CODE § 317.4(a)(8), as documented during an investigation conducted on January 18, 2006.

2. Failed to report noncompliances which deviate from the permitted effluent limitations by more than 40%, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 10151001 Monitoring and Reporting Requirements No. 7(c), as documented during an investigation conducted on January 18, 2006.

3. Failed to prevent the unauthorized discharge and accumulation of excess solids in the receiving stream, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(5), TPDES Permit No. 10151001 Operational Requirements No. 1, Effluent Limitations and Monitoring Requirements No. 4, Permit Conditions No. 2(d), and TEX. WATER CODE § 26.121(a), as documented during an investigation conducted on January 18, 2006.

4. Failed to ensure that all systems of collection, treatment, and disposal are properly operated and maintained, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.4(d), and TPDES Permit No. 10151001 Operational Requirements No. 1, as documented during an investigation conducted on January 18, 2006.

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 Collinsville, Docket No. 2006-0332-MWD-E" to:

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

2. The City shall implement and complete a Supplemental Environmental Project ("SEP") in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 above, Nineteen Thousand Nine Hundred Sixty-Four Dollars ($19,964) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the City shall undertake the following technical requirements:

   a. Immediately after the effective date of this Agreed Order, begin submitting noncompliance notification for all effluent violations that deviate from the permit limit by more than 40% to the TCEQ Dallas/Fort Worth Regional Office in accordance with TPDES Permit No. 10151001 Monitoring and Reporting Requirements No. 7(c);

   b. Within 30 days after the effective date of this Agreed Order, conduct the required annual testing of the backflow prevention device at the Facility;

   c. Within 30 days after the effective date of this Agreed Order, remove and properly dispose of all solids and foam in the receiving stream, on the surface of the clarifier and its weirs, in the chlorine contact chamber, and in the digester; and

   d. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 3.a. through 3.c.

The written certification of compliance shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is 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 certifications shall be submitted to:

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

with a copy to:

Manager, Water Section
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Dallas/Fort Worth, Texas 76118-6951

4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order

5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed

Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.

9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

_____
For the Commission

_____ _____
For the Executive Director Date 1/21/2008

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.

Brad Kerr _____ 8/10/07 _____
Signature Date

Brad Kerr _____ Mayor _____
Name (Printed or typed) Title
Authorized Representative of
City of Collinsville

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

Attachment A
Docket Number: 2006-0332-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Collinsville
Penalty Amount:	Nineteen Thousand Nine Hundred Sixty-Four Dollars ($19,964)
SEP Offset Amount:	Nineteen Thousand Nine Hundred Sixty-Four Dollars ($19,964)
Type of SEP:	Custom (with pre-approved concept)
Location of SEP:	Grayson County

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

1. Project Description

A. Project

The Respondent shall extend first-time sewer service to one moderate-income household and a church that are currently utilizing older on-site septic systems in a rural area. The septic systems are located at 26390 Farm-to-Market Road 902 and 877 Woodland in Collinsville. The Respondent agrees to properly decommission (remove or backfill) the existing septic tanks at no cost to the owners.

The Respondent shall perform this project in accordance with all federal, state and local environmental laws and regulations. The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by preventing the release of sewage into the environment. Raw sewage can carry bacteria, viruses, protozoa (parasitic organisms), helminths (intestinal worms), and bioaerosols (inhalable molds and fungi). The diseases they may cause range in severity from mild gastroenteritis (causing stomach cramps and diarrhea) to life-threatening ailments such as cholera, dysentery, infectious hepatitis, and severe gastroenteritis.

People can be exposed through:

- Sewage in drinking water sources.
- Direct contact in areas of public access such as basements, lawns or streets, or waters used for recreation.
- Shellfish harvested from areas contaminated by raw sewage.

- Inhalation and skin absorption.

Sewage overflows may cause damage to the environment. A key concern with sewage overflows is the effect on rivers, lakes, streams, or aquifer systems. In addition to potential spread of disease, sewage in the environment contributes excess nutrients, metals, and toxic pollutants that contaminate water quality, cause excess algae blooms, and kill fish and other organisms in aquatic habitats.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. SEP monies will be used to pay for the associated labor and materials costs, according to TCEQ expenditure restrictions on the use of SEP funds. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent agrees that if it does not spend the requisite SEP offset that it will pay the difference to the TCEQ General Revenue Fund.

Subject to previously stated restrictions on the use of SEP monies and to the extent it can be documented, the Respondent will receive credit for the hours its employees and equipment are used implementing the SEP. The Respondent will not receive credit for volunteer labor or equipment. The Respondent will also not receive credit for gratuities and/or inducements for volunteers.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent will begin implementation of this SEP. The Respondent shall complete the project within one year after the effective date of this Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion within the time required above.

B. Final Report

Within 30 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. The total amount of costs incurred;
3. A statement of quantifiable environmental benefits;
4. Number of connections made to central sewer;
5. Map showing specific location of the properties where connections were achieved;
6. Photographs of the project; and

7. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

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

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note that the payment is for reimbursement of a SEP, and shall make the payment for any amount due to "Texas Commission on Environmental Quality" and mail to:

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

If payment for non-performance is required, the Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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