

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-0839-MWD-E **TCEQ ID:** RN101920668 **CASE NO.:** 33623
RESPONDENT NAME: City of Lone Oak

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"/> IMMEDIATE 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 Lone Oak, east of Bull Creek, approximately 0.5 mile south of the intersection of U. S. Highway 69 and Farm-to-Market Road 1571, Hunt County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on January 14, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None 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 Lisa Willis, Mayor Pro-Tem, City of Lone Oak, P. O. Box 127, Lone Oak, Texas 75453 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: April 2, 2007</p> <p>Date of NOV/NOE Relating to this Case: May 9, 2007 (NOE)</p> <p>Background Facts: This was a routine record review. One violation was documented.</p> <p>WATER</p> <p>Failure to comply with its permitted effluents limits for Ammonia Nitrogen, Carbonaceous Biochemical Oxygen Demand, Fecal Coliform, and Total Suspended Solids [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010760001 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p>	<p>Total Assessed: \$13,020</p> <p>Total Deferred: \$2,604 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$416 (remaining \$10,000 due in 25 monthly payments of \$400 each)</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Within 180 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application;</p> <p>b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and</p> <p>c. Within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010760001.</p>



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision May 25, 2007

DATES	Assigned	14-May-2007	Screening	29-May-2007	EPA Due	
	PCW	17-Oct-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Lone Oak		
Reg. Ent. Ref. No.	RN101920668		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	33623	No. of Violations	2	
Docket No.	2007-0839-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell	
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 \$3,500

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 275% Enhancement Subtotals 2, 3, & 7 \$9,625

Notes: The Respondent has one Order and one NOV for the same violations and has 50 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 EDRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

Total EB Amounts \$875 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$10,000 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$13,125

OTHER FACTORS AS JUSTICE MAY REQUIRE -1% Adjustment -\$105

Notes: Recommend reduction in the penalty to prevent double-enhancement of the penalty amount for same violations that were not self-reported.

Final Penalty Amount \$13,020

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$13,020

DEFERRAL 20% Reduction Adjustment -\$2,604

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 \$10,416

Screening Date 29-May-2007

Docket No. 2007-0839-MWD-E

PCW

Respondent City of Lone Oak

Policy Revision 2 (September 2002)

Case ID No. 33623

PCW Revision May 25, 2007

Reg. Ent. Reference No. RN101920668

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)	51	255%
	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%

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) 275%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has one Order and one NOV for the same violations and has 50 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 275%

Screening Date 29-May-2007	Docket No. 2007-0839-MWD-E	PCW		
Respondent City of Lone Oak		<i>Policy Revision 2 (September 2002)</i>		
Case ID No. 33623		<i>PCW Revision May 25, 2007</i>		
Reg. Ent. Reference No. RN101920668				
Media [Statute] Water Quality				
Enf. Coordinator Pamela Campbell				
Violation Number <input type="text" value="1"/>				
Rule Cite(s)	<input type="text" value="30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010760001 Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)"/>			
Violation Description	<input type="text" value="Failed to comply with its permitted effluents limits as shown in the attached table."/>			
Base Penalty		<input type="text" value="\$10,000"/>		
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	x	<input type="text"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
			Percent <input type="text" value="25%"/>	
>> Programmatic Matrix				
			Falsification	
			Major	
			Moderate	
			Minor	
			Percent <input type="text" value="0%"/>	
Matrix Notes	A simplified model was utilized to evaluate the values for Ammonia Nitrogen ("NH ₃ -N"), Carbonaceous Biochemical Oxygen Demand ("CBOD ₅ "), and flow to determine whether the discharged amounts of pollutants (NH ₃ -N and CBOD ₅) exceeded levels protective of human health or the environment. The amounts discharged at the time of the violations were significant and did not exceed levels protective of human health or the environment.			
Adjustment			<input type="text" value="\$7,500"/>	
			<input type="text" value="\$2,500"/>	
Violation Events				
Number of Violation Events		<input type="text" value="1"/>	<input type="text" value="61"/> Number of violation days	
mark only one with an x	daily	<input type="text"/>	Violation Base Penalty <input type="text" value="\$2,500"/>	
	monthly	<input type="text"/>		
	quarterly	x		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input type="text"/>		
One quarterly event is recommended for the months of November and December 2006.				
Economic Benefit (EB) for this violation		Statutory Limit Test		
Estimated EB Amount <input type="text" value="\$875"/>		Violation Final Penalty Total <input type="text" value="\$9,300"/>		
		This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$9,300"/>		

Economic Benefit Worksheet

Respondent City of Lone Oak
Case ID No. 33623
Reg. Ent. Reference No. RN101920668
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
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No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)	\$10,000	1-Sep-2006	1-Dec-2007	1.2	\$42	\$833	\$875
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 hire an additional operator to provide additional oversight at the Facility.

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

\$10,000

TOTAL

\$875

Screening Date 29-May-2007	Docket No. 2007-0839-MWD-E	PCW
Respondent City of Lone Oak	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 33623	<i>PCW Revision May 25, 2007</i>	
Reg. Ent. Reference No. RN101920668		
Media [Statute] Water Quality		
Enf. Coordinator Pamela Campbell		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010760001 Effluent Limitations and Monitoring Requirements No. 1, and Tex. Water Code § 26.121(a)	
Violation Description	Failed to comply with its permitted effluents limits as shown in the attached table.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 A simplified model was utilized to evaluate the values for Ammonia Nitrogen ("NH₃-N"), Carbonaceous Biochemical Oxygen Demand ("CBOD₅"), and flow to determine whether the discharged amounts of pollutants (NH₃-N and CBOD₅) exceeded levels protective of human health or the environment. The amounts discharged at the time of the violations were insignificant and did not exceed levels protective of human health or the environment.

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="61"/>	Number of violation days
mark only one with an x daily <input type="text"/> monthly <input type="text"/> quarterly <input type="text" value="x"/> semiannual <input type="text"/> annual <input type="text"/> single event <input type="text"/>	Violation Base Penalty <input type="text" value="\$1,000"/>	

One quarterly event is recommended for the months of September and October 2006.

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="\$3,720"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,720"/>	

Economic Benefit Worksheet

Respondent: City of Lone Oak
Case ID No.: 33623
Reg. Ent. Reference No.: RN101920668
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)				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

See economic benefit for violation no. 1.

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

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600672703	City of Lone Oak	Classification: AVERAGE	Rating: 4.45
Regulated Entity:	RN101920668	CITY OF LONE OAK	Classification: AVERAGE	Site Rating: 4.45
ID Number(s):	WASTEWATER	PERMIT		WQ0010760001
	WASTEWATER	PERMIT		TPDES0100021
	WASTEWATER	PERMIT		TX0100021
	WASTEWATER LICENSING	LICENSE		WQ0010760001
Location:	LOCATED EAST OF BULL CREEK, APPROXIMATELY 0.5 MILE SOUTH OF THE INTERSECTION OF US HIGHWAY 69 AND FARM-TO-MARKET ROAD 1571, HUNT COUNTY REGION 04 - DFW METROPLEX			Rating Date: September 01 06 Repeat Violator NO
TCEQ Region:	June 21, 2007			
Date Compliance History Prepared:	Enforcement			
Agency Decision Requiring Compliance History:	June 21, 2002 to June 21, 2007			
Compliance Period:				

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.
- | | |
|----------------------------|---|
| Effective Date: 04/14/2006 | ADMINORDER 2003-1336-MWD-E |
| Classification: Minor | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(1) |
| Rqmt Prov: | WQ0010760-001 PERMIT |
| Description: | Failure to provide written notification for effluent violations which exceeded the effluent limitation by more than 40% during August, September, October, November, December 2002 and January, February, and March 2003. |
| Classification: Moderate | |
| Citation: | 2D TWC Chapter 26, SubChapter A 26.121[G]
30 TAC Chapter 305, SubChapter F 305.125(1) |
| Rqmt Prov: | WQ0010760-001 PERMIT |
| Description: | Failure to comply with the permitted effluent limits for fecal coliform, 5-day carbonaceous biochemical oxygen demand, pH, ammonia nitrogen, dissolved oxygen, total suspended solids and flow. |
| Classification: Moderate | |
| Citation: | 30 TAC Chapter 319, SubChapter A 319.11(c) |
| Description: | Failure to accurately calculate and report the daily average, daily maximum, single grab, minimum, and maximum values for the monthly discharge monitoring reports. |
| Classification: Minor | |
| Citation: | 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.3(a) |
| Rqmt Prov: | WQ0010760-001 PERMIT |
| Description: | Failure to properly maintain the pond embankments, the alternate power generator, and Lift Station Number 5, and by failing to properly secure Lift Station Number 2. |
- 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 07/15/2002 | (219365) |
| 2 08/19/2002 | (219367) |
| 3 09/13/2002 | (219369) |
| 4 10/17/2002 | (219371) |
| 5 11/12/2002 | (219373) |
| 6 12/13/2002 | (219375) |
| 7 01/21/2003 | (219377) |
| 8 02/10/2003 | (219356) |
| 9 03/21/2003 | (219358) |
| 10 04/16/2003 | (219360) |
| 11 05/03/2003 | (321128) |
| 12 05/12/2003 | (219376) |
| 13 06/03/2003 | (249489) |
| 14 06/09/2003 | (321129) |
| 15 06/30/2003 | (126867) |
| 16 07/21/2003 | (321130) |
| 17 07/21/2003 | (321131) |
| 18 09/19/2003 | (321132) |
| 19 10/17/2003 | (321133) |
| 20 11/18/2003 | (321134) |
| 21 12/15/2003 | (321135) |
| 22 01/14/2004 | (321136) |
| 23 01/23/2004 | (259444) |

24 02/17/2004 (321125)
 25 03/10/2004 (321126)
 26 04/22/2004 (321127)
 27 05/17/2004 (363347)
 28 06/14/2004 (363348)
 29 07/26/2004 (363349)
 30 08/09/2004 (363350)
 31 09/17/2004 (363351)
 32 10/22/2004 (363352)
 33 11/17/2004 (363353)
 34 12/10/2004 (388219)
 35 01/18/2005 (388220)
 36 02/16/2005 (388217)
 37 03/14/2005 (388218)
 38 04/15/2005 (425778)
 39 05/11/2005 (425779)
 40 06/23/2005 (425780)
 41 07/15/2005 (446283)
 42 08/05/2005 (446284)
 43 09/09/2005 (446285)
 44 10/03/2005 (478700)
 45 11/21/2005 (478701)
 46 12/27/2005 (478702)
 47 01/12/2006 (478703)
 48 02/21/2006 (478697)
 49 03/23/2006 (478698)
 50 04/17/2006 (504769)
 51 05/26/2006 (504770)
 52 06/16/2006 (504771)
 53 07/13/2006 (527077)
 54 08/18/2006 (527078)
 55 09/08/2006 (377665)
 56 09/21/2006 (527079)
 57 10/12/2006 (550927)
 58 11/16/2006 (550928)
 59 12/27/2006 (550929)
 60 01/24/2007 (550930)
 61 05/09/2007 (555796)

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

Date: 06/30/2002 (219365) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 07/31/2002 (219367) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 08/31/2002 (219369) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 09/30/2002 (219371) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 10/31/2002 (219373) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 11/30/2002 (219375) Classification: Moderate
 Self Report? YES
 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: 12/31/2002 (219377) Classification: Moderate
 Self Report? YES
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26.26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter

 Date: 01/31/2003 (219356) Classification: Moderate
 Self Report? YES

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 (219358)		
Date: 02/28/2003		Classification:	Moderate
Self Report? YES			
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 (219360)		
Date: 03/31/2003		Classification:	Moderate
Self Report? YES			
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 (321128)		
Date: 04/30/2003		Classification:	Moderate
Self Report? YES			
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 (321129)		
Date: 05/31/2003		Classification:	Moderate
Self Report? YES			
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 (321130)		
Date: 06/30/2003		Classification:	Moderate
Self Report? YES			
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 (321131)		
Date: 07/31/2003		Classification:	Moderate
Self Report? YES			
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 (321132)		
Date: 08/31/2003		Classification:	Moderate
Self Report? YES			
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 (321133)		
Date: 09/30/2003		Classification:	Moderate
Self Report? YES			
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 (321134)		
Date: 10/31/2003		Classification:	Moderate
Self Report? YES			
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 (321135)		
Date: 11/30/2003		Classification:	Moderate
Self Report? YES			
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 (321136)		
Date: 12/31/2003		Classification:	Moderate
Self Report? YES			
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 (321125)		
Date: 01/31/2004		Classification:	Moderate
Self Report? YES			
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 (321126)		
Date: 02/29/2004		Classification:	Moderate
Self Report? YES			
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 (321127)		
Date: 03/31/2004		Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Description:	TWC Chapter 26 26.121(a)[G] Failure to meet the limit for one or more permit parameter		
Date: 04/30/2004	(363347)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 05/31/2004	(363348)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 06/30/2004	(363349)	Classification:	Moderate
Self Report? YES			
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	(363350)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 08/31/2004	(363351)	Classification:	Moderate
Self Report? YES			
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	(363352)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 10/31/2004	(363353)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 11/30/2004	(388219)	Classification:	Moderate
Self Report? YES			
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	(388220)	Classification:	Moderate
Self Report? YES			
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: 01/31/2005	(388217)	Classification:	Moderate
Self Report? YES			
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	(388218)	Classification:	Moderate
Self Report? YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date: 03/31/2005	(425778)	Classification:	Moderate
Self Report? YES			
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: 04/15/2005	(377665)	Classification:	Moderate
Self Report? NO			
Rqmt Prov:	PERMIT WQ0010760-001		
Description:	Failure to comply with the fecal coliform permit limitations.		
Self Report? NO		Classification:	Moderate
Citation:	30 TAC Chapter 319, SubChapter A 319.11(c)		
Description:	Failure to accurately calculate and report the daily average, daily maximum, single grab, minimum, and maximum values for the monthly discharge monitoring reports.		

Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		TWC Chapter 26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	04/30/2006	(504770)		
Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		TWC Chapter 26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	05/31/2006	(504771)		
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:	09/30/2006	(550927)		
Self Report?	YES		Classification:	Moderate
Citation:		30 TAC Chapter 305, SubChapter F 305.125(1)		
		TWC Chapter 26 26.121(a)[G]		
Description:		Failure to meet the limit for one or more permit parameter		
Date:	10/31/2006	(550928)		
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:	11/30/2006	(550929)		
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:	12/31/2006	(550930)		
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

Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.3(a)		
Rqmt Prov:	PERMIT WQ0010760-001		
Description:	Failure to properly maintain the pond embankments, the alternate power generator, and Lift Station Number 5, and by failing to properly secure Lift Station Number 2.		
Self Report?	NO	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(18)		
Description:	Failure to submit sludge monitoring report.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to properly maintain the lift stations.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)		
Description:	Failure to properly dispose of screenings.		
Self Report?	NO	Classification:	Moderate
Citation:	TWC Chapter 26 26.121		
Description:	Failure to prevent any discharge which has reasonable likelihood of adversely affecting human health or the environment.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a)[G]		
Description:	Failure to ensure compliance with holding time requirements for field analyses.		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		
Rqmt Prov:	PERMIT WQ0010760-001		
Description:	Failure to comply with permitted effluent limitations.		
Date:	04/30/2005	(425779)	
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	(425780)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	06/30/2005	(446283)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	09/30/2005	(478700)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	10/31/2005	(478701)	
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:	11/30/2005	(478702)	
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:	12/31/2005	(478703)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	01/31/2006	(478697)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	02/28/2006	(478698)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date:	03/31/2006	(504769)	

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF LONE OAK
RN101920668**

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**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-0839-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 Lone Oak ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment facility located east of Bull Creek, approximately 0.5 mile south of the intersection of U. S. Highway 69 and Farm-to-Market Road 1571 in Hunt 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 May 14, 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 Thirteen Thousand Twenty Dollars (\$13,020) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Four Hundred Sixteen Dollars (\$416) of the administrative penalty and Two

Thousand Six Hundred Four Dollars (\$2,604) 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, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

The remaining amount of Ten Thousand Dollars (\$10,000) of the administrative penalty shall be payable in 25 monthly payments of Four Hundred Dollars (\$400) each. The next monthly payment shall be paid within 30 days after the effective date of this Agreed Order. The subsequent payments shall each be paid not later than 30 days following the due date of the previous payment until paid in full. If the City fails to timely and satisfactorily comply with the payment requirements of this Agreed Order, the Executive Director may, at the Executive Director's option, accelerate the maturity of the remaining installments, in which event the unpaid balance shall become immediately due and payable without demand or notice. In addition, the failure of the City to meet the payment schedule of this Agreed Order constitutes the failure by the City to timely and satisfactorily comply with all the terms of this Agreed Order.

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 failed to comply with its permitted effluents limits as shown in the attached table, in violation of 30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit No. WQ0010760001 Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a), as documented during a record review conducted on April 2, 2007 and shown in the table below:

	NH ₃ -N daily ave. conc.	NH ₃ -N daily ave. loading	NH ₃ -N maximum	Fecal Coliform maximum	CBOD ₅ daily ave. conc.	CBOD ₅ daily ave. loading
Month/Year	3 mg/L	1.5 lbs/day	15 mg/L	800 CFU/100 ml	30 mg/L	15 lbs/day
September 2006	c	c	c	1000	c	c
October 2006	c	c	c	c	46.26	22.72
November 2006	12.2625	10.76	15.8	c	c	c

Name	Abbreviation
milligrams per liter	mg/L
pounds per day	lbs/day
million gallons per day	MGD
total suspended solids	TSS
5-day biochemical oxygen demand	BOD ₅
carbonaceous biochemical oxygen demand	CBOD
ammonia-nitrogen	NH ₃ -N
dissolved oxygen	DO
compliant (no excursions)	c

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 Lone Oak, Docket No. 2007-0839-MWD-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 180 days after the effective date of this Agreed Order, submit an administratively complete permit amendment application in accordance with 30 TEX. ADMIN. CODE ch. 305 (relating to Consolidated Permits) to:

Water Quality Applications Team
Permits Administrative Review Section
Registration, Review and Reporting Division, MC 161
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such requests or by any other deadline specified in writing; and
- c. Within 365 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010760001. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2301 Gravel Drive
Fort Worth, Texas 76118-6951

- 3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall

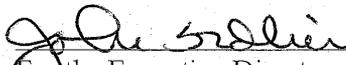
have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

Date 2/6/2008

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 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 11-1-07

Lisa Willis

Name (Printed or typed)
Authorized Representative of
City of Lone Oak

Mayor Pro Tem

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.

