

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1436-MWD-E **TCEQ ID:** RN101610327 and RN101610400 **CASE NO.:** 34626

RESPONDENT NAME: City of Corpus Christi

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: Greenwood Plant, at the intersection of State Highway 357 (Saratoga Boulevard) and Greenwood Drive, about 1.5 miles south of South Padre Island; Oso Facility, located at 601 Nile Drive, at the intersection of Nile Drive and Ennis Joslin Road, Corpus Christi, Nueces County</p> <p>TYPE OF OPERATION: Wastewater treatment facilities</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: Complaints were received on March 5, 2007 and March 7, 2007 for the Oso Facility, alleging that periodically sewage flows up out of manholes at two locations, flows into the street, which then flows to the storm water sewer, and finally into Corpus Christi Bay. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: Complaints were received but the complainants have not expressed the desire to protest this action or speak at Agenda.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on February 25, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Henry Garrett, Mayor, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469 Mr. George Noe, City Manager, City of Corpus Christi, P.O. Box 9277, Corpus Christi, Texas 78469 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: March 5, 2007 and March 7, 2007</p> <p>Date of Investigation/Record Review Relating to this Case: March 13, 2007 and March 19, 2007</p> <p>Date of NOE Relating to this Case: May 2 and 15, 2007 (NOE)</p> <p>Background Facts: This was a complaint investigation/record review.</p> <p>WATER</p> <p>1) Failure to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [Texas Pollutant Discharge Elimination System (TPDES) Permit No. WQ0010401004, Permit Conditions No. 2(g) and TEX. WATER CODE § 26.121(a)].</p> <p>2) Failure to provide notification of unauthorized discharges from the collection system orally within 24 hours after becoming aware of the discharges [30 TEX. ADMIN. CODE § 305.125 (1) and 305.125(9) and TPDES Permit No. WQ0010401004, Monitoring and Reporting Requirements No. 7].</p> <p>3) Failure to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state [TPDES Permit No. 10401003, Permit Conditions No. 2(g) and TEX. WATER CODE § 26.121(a)].</p> <p>4) Failure to prevent the unauthorized discharge of wastewater from the bar screen at the Facility into or adjacent to water in the state [TPDES Permit No. 10401003, Permit Conditions No. 2(g) and TEX. WATER CODE § 26.121(a)].</p> <p>5) Failure to meet the permitted single grab limit of 800 colonies per 100 milliliters for</p>	<p>Total Assessed: \$42,810</p> <p>Total Deferred: \$0 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$42,810</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (Greenwood Facility) Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Greenwood Collection System) Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Oso Facility)</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: This is a Findings Order because the Respondent had three repeated enforcement actions (NOVs) over the prior five year period for the same violation for both facilities.</p>	<p>Corrective Actions Taken:</p> <p>1) The Executive Director recognizes that the City implemented the following corrective measures at the Oso Facility collection system:</p> <p>a) By March 13, 2007, repaired the collection system, and cleaned and disinfected the affected areas; and</p> <p>b) Issued work orders to alleviate the discharges on the dates the unauthorized discharges commenced.</p> <p>2) The Executive Director recognizes that the City repaired the collection system, and cleaned and disinfected the affected areas by August 10, 2006 at the Greenwood Facility collection system.</p> <p>3) The Executive Director recognizes that the City implemented the following corrective measures at the Greenwood Facility:</p> <p>a) On February 16, 2006, reset the bar screen circuit breaker, cleaned and disinfected the effected areas;</p> <p>b) On July 1, 2006, returned to compliance with the permitted single grab limit of 800 colonies per 100 milliliters for Fecal Coliform Bacteria;</p> <p>c) On March 19, 2007, restored power to the automatic ultraviolet disinfection control system;</p> <p>d) On April 2, 2007, marked the yard hydrant "Unsafe Water," and</p> <p>e) On April 2, 2007, repaired the fence on the northeast side of the Facility.</p> <p>Ordering Provisions:</p> <p>1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A).</p> <p>2) The Order will also require the</p>

<p>Fecal Coliform Bacteria on June 1, 2006 [30 TEX. ADMIN. CODE § 305.125(1), TPDES Permit Number 10401003, Final Effluent Limitations and Monitoring Requirements No. 1, and TEX. WATER CODE § 26.121(a)].</p> <p>6) Failure to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), and 317.6, and TPDES Permit Number 10401003, Operational Requirements No. 1].</p> <p>7) Failure to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), and 317.7(d) and TPDES Permit Number 10401003, Operational Requirements No. 1].</p> <p>8) Failure to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions [30 TEX. ADMIN. CODE §§ 305.125(1) and (5), and 317.7(e) and TPDES Permit Number 10401003, Operational Requirements No. 1].</p>		<p>Respondent to:</p> <p>a) Within 60 days after the effective date of this Agreed Order, update the Oso Facility and collection system operations guidance and conduct employee training to ensure that all reporting requirements are properly accomplished; and</p> <p>b) Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 2.a. The certification shall be notarized by a State of Texas Notary Public.</p>
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Additional ID No(s): WQ0010401003, WQ0010401004

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Attachment A
Docket Number: 2007-1436-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Corpus Christi
Payable Penalty Amount: Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810)
SEP Amount: Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810)
Type of SEP: Pre-approved
Third-Party Recipient: Coastal Bend Bays and Estuaries Program, Inc.
Location of SEP: Nueces County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery island with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

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 enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. 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.

6. Clean Texas Program

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

7. 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 Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

TCEQ

DATES	Assigned	21-May-2007	Screening	5-Sep-2007	EPA Due	
	PCW	5-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Corpus Christi (Greenwood Facility)		
Reg. Ent. Ref. No.	RN101610400		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Major

CASE INFORMATION			
Enf./Case ID No.	34626	No. of Violations	5
Docket No.	2007-1436-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
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	\$9,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	81% Enhancement	Subtotals 2, 3, & 7	\$7,695
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Notes
The Respondent self-reported 12 months of effluent quality violations and was issued six written NOV's (three for same or similar violations and three not the same or similar).

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

Good Faith Effort to Comply	25% Reduction	Subtotal 5	\$2,375
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes
The Respondent returned to compliance on April 2, 2007.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts \$5
Approx. Cost of Compliance \$2,100
**Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7	Final Subtotal	\$14,820
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$14,820
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$14,820
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$14,820
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Screening Date 5-Sep-2007

Docket No. 2007-1436-MWD-E

PCW

Respondent City of Corpus Christi (Greenwood Facility)

Policy Revision 2 (September 2002)

Case ID No. 34626

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN101610400

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

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)	15	75%
	Other written NOVs	3	6%
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 judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 81%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 12 months of effluent quality violations and was issued six written NOVs (three for same or similar violations and three not the same or similar).

Total Adjustment Percentage (Subtotals 2, 3, & 7) 81%

Screening Date	5-Sep-2007	Docket No.	2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Greenwood Facility)	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34626	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN101610400			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a) and TPDES Permit No. 10401003, Permit Conditions No. 2(g)			
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented by an investigation conducted on March 13, 2007. Specifically, approximately 10,000 gallons of wastewater discharged from the bar screen at the Facility on February 15, 2006 due to a tripped circuit breaker.			
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
Potential				25%	

>> Programmatic Matrix

Matrix Notes	Falsification	Major	Moderate	Minor	Percent
Human health or the environment has been exposed to insignificant amounts of pollutants.					

Adjustment \$7,500

\$2,500

Violation Events

Number of Violation Events	1	Number of violation days	1	Violation Base Penalty	\$2,500										
<i>mark only one with an x</i>	<table border="1"> <tr><td>daily</td><td></td></tr> <tr><td>monthly</td><td></td></tr> <tr><td>quarterly</td><td></td></tr> <tr><td>semiannual</td><td></td></tr> <tr><td>annual</td><td></td></tr> <tr><td>single event</td><td style="text-align: center;">x</td></tr> </table>	daily				monthly		quarterly		semiannual		annual		single event	x
daily															
monthly															
quarterly															
semiannual															
annual															
single event	x														

One single event is recommended for the discharge on February 15, 2006.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount	\$0	Violation Final Penalty Total	\$3,900
This violation Final Assessed Penalty (adjusted for limits)		\$3,900	

Economic Benefit Worksheet

Respondent: City of Corpus Christi (Greenwood Facility)
 Case ID No. 34626
 Reg. Ent. Reference No. RN101610400
 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	15-Feb-2006	16-Feb-2006	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with resetting the bar screen circuit breaker and cleaning/disinfecting the affected area. Date Required is the date of the unauthorized discharge. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$0
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Screening Date 5-Sep-2007 **Docket No.** 2007-1436-MWD-E **PCW**
Respondent City of Corpus Christi (Greenwood Facility) *Policy Revision 2 (September 2002)*
Case ID No. 34626 *PCW Revision June 26, 2007*
Reg. Ent. Reference No. RN101610400
Media [Statute] Water Quality
Enf. Coordinator Laurie Eaves

Violation Number
Rule Cite(s) Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 10401003, Final Effluent Limitations and Monitoring Requirements No. 1
Violation Description Failed to comply with the permitted single grab limit of 800 colonies per 100 milliliters for Fecal Coliform Bacteria during June 2006, as documented by an investigation conducted on March 13, 2007. Specifically, the reported value was >800 colonies per 100 milliliters.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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

Violation Base Penalty

One single event is recommended.

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

Estimated EB Amount **Violation Final Penalty Total**

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Corpus Christi (Greenwood Facility)
Case ID No. 34626
Reg. Ent. Reference No. RN101610400
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$250	1-Jun-2006	1-Jul-2006	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost associated with restoring disinfection. Date Required is the date of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$250

TOTAL \$1

Screening Date	5-Sep-2007	Docket No.	2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Greenwood Facility)	Policy Revision 2 (September 2002) PCW Revision June 26, 2007		
Case ID No.	34626			
Reg. Ent. Reference No.	RN101610400			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			
Violation Number	3			
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1), 305.125(5), and 317.6, and TPDES Permit No. 10401003, Operational Requirements No. 1			
Violation Description	Failed to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions, as documented during an investigation conducted on March 13, 2007. Specifically, the automatic ultraviolet disinfection control system was not in operation; however, disinfection was taking place.			
Base Penalty				\$10,000
>> Environmental, Property and Human Health Matrix				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>
				Percent <input type="text" value="25%"/>
>> Programmatic Matrix				
Falsification				
Major Moderate Minor				
<input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/>				
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed protective levels.			
Adjustment				\$7,500
				\$2,500
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="6"/>		
mark only one with an x	daily	<input type="checkbox"/>		
	monthly	<input type="checkbox"/>		
	quarterly	x		
	semiannual	<input type="checkbox"/>		
	annual	<input type="checkbox"/>		
	single event	<input type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$2,500"/>
One quarterly event is recommended from the date of investigation on March 13, 2007 through the date of compliance on March 19, 2007.				
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="\$3,900"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,900"/>	

Economic Benefit Worksheet

Respondent City of Corpus Christi (Greenwood Facility)
 Case ID No. 34626
 Reg. Ent. Reference No. RN101610400
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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)	\$250	13-Mar-2007	19-Mar-2007	0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with restoring disinfection. Date Required is the date of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$250	TOTAL	\$0
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Screening Date	5-Sep-2007	Docket No.	2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Greenwood Facility)	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34626	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN101610400			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			

Violation Number	4
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1), 305.125(5), and 317.7(d), and TPDES Permit No. 10401003, Operational Requirements No. 1
Violation Description	Failed to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions, as documented during an investigation conducted on March 13, 2007. Specifically, the yard hydrant located at the lift station was not marked "Unsafe Water".

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: City of Corpus Christi (Greenwood Facility)
Case ID No.: 34626
Reg. Ent. Reference No.: RN101610400
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	13-Mar-2007	2-Apr-2007	0.1	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with properly marking the hydrant. Date Required is the date of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$100

TOTAL \$0

Screening Date	5-Sep-2007	Docket No.	2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Greenwood Facility)	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	34626	<i>PCW Revision June 26, 2007</i>		
Reg. Ent. Reference No.	RN101610400			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1), 305.125(5), and 317.7(e), and TPDES Permit No. 10401003, Operational Requirements No. 1

Violation Description Failed to provide an intruder-resistant fence, as documented during an investigation conducted on March 13, 2007. Specifically, the perimeter fence was damaged and open on the northeastern side of the facility.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed protective levels.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Corpus Christi (Greenwood Facility)
Case ID No. 34626
Reg. Ent. Reference No. RN101610400
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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	\$1,000	13-Mar-2007	2-Apr-2007	0.1	\$0	\$4	\$4
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with repairing the fence. Date Required is the date of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$4

Compliance History

Customer/Respondent/Owner-Operator: CN600131858 City of Corpus Christi Classification: AVERAGE Rating: 2.0

Regulated Entity: RN101610400 GREENWOOD PLANT Classification: AVERAGE Site Rating: 0.86

ID Number(s): WASTEWATER PERMIT WQ0010401003
WASTEWATER PERMIT TPDES0047074
WASTEWATER LICENSING LICENSE WQ0010401003

Location: 6541 Greenwood Drive, at the intersection of State Highway 357 (Saratoga Blvd.)
and Greenwood Drive, about 1.5 miles south of South Padre Island in Corpus Christi,
Nueces County

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI

Date Compliance History Prepared: September 05, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: September 05, 2002 to September 05, 2007

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

Name: Laurie Eaves Phone: 512/239-4495

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 09/24/2002 (181985)
- 2 10/22/2002 (181988)
- 3 11/22/2002 (181992)
- 4 12/27/2002 (181996)
- 5 01/21/2003 (182000)
- 6 02/21/2003 (181959)
- 7 03/21/2003 (181962)
- 8 04/22/2003 (181967)
- 9 04/24/2003 (33655)
- 10 05/22/2003 (181971)
- 11 06/13/2003 (182001)
- 12 06/24/2003 (181975)
- 13 07/23/2003 (181979)
- 14 08/25/2003 (305394)
- 15 08/26/2003 (152188)
- 16 08/26/2003 (150350)
- 17 09/23/2003 (305396)
- 18 10/23/2003 (305398)
- 19 11/21/2003 (305399)
- 20 12/29/2003 (305400)
- 21 02/24/2004 (305382)
- 22 03/23/2004 (305385)
- 23 04/23/2004 (305386)

24 04/23/2004 (305392)
25 04/23/2004 (305401)
26 05/24/2004 (305388)
27 06/22/2004 (305390)
28 08/30/2004 (356137)
29 09/21/2004 (356138)
30 10/25/2004 (356140)
31 10/29/2004 (356139)
32 11/23/2004 (356141)
33 12/22/2004 (384113)
34 02/22/2005 (384111)
35 03/22/2005 (384112)
36 04/25/2005 (422038)
37 04/25/2005 (422042)
38 05/19/2005 (374587)
39 05/23/2005 (422039)
40 06/21/2005 (422040)
41 07/21/2005 (422041)
42 08/23/2005 (442924)
43 09/23/2005 (442925)
44 10/24/2005 (580501)
45 10/27/2005 (433415)
46 11/22/2005 (580503)
47 12/27/2005 (580505)
48 02/24/2006 (580487)
49 03/13/2006 (455911)
50 03/22/2006 (580489)
51 04/18/2006 (580491)
52 04/18/2006 (580507)
53 05/22/2006 (580493)
54 06/23/2006 (580495)
55 07/24/2006 (580497)
56 08/31/2006 (580499)
57 09/22/2006 (580500)
58 11/27/2006 (580504)
59 12/22/2006 (593261)
60 12/27/2006 (580506)
61 01/08/2007 (580502)
62 02/23/2007 (580488)
63 03/23/2007 (580490)
64 04/25/2007 (580492)
65 04/25/2007 (580498)
66 04/25/2007 (580508)
67 05/02/2007 (554428)
68 05/18/2007 (580494)
69 06/25/2007 (580496)

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

Date: 09/30/2002 (181988)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2002 (181992)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2002 (181996)
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: 12/31/2002 (182000)
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 (181962)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (181967)
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: 04/25/2003 (33655)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]
Rqmt Prov: PERMIT WQ0010401-003
Description: Failure to prevent the discharge of wastewater into or adjacent to waters of the state.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010401-003
Description: Failure to limit the copper concentrations in the effluent to that specified in the permit.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010401-003
Description: Failure to properly operate and maintain the collection system.

Date: 04/30/2003 (181971)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2003 (181975)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2003 (181979)
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: 08/27/2003 (150350)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 281, SubChapter A 281.25(a)(4)
Rqmt Prov: PERMIT TPDES Permit No.: TXRO5H266
Description: The facility did not include a justification of why discharge qualities from the outfalls are substantially similar.

Date: 03/31/2004 (305386)
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 (422039)
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: 05/20/2005 (374587)
Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)
Rqmt Prov: PERMIT TPDES Permit No. 10401-003
Description: Failure to prevent the unauthorized discharges of wastewater from the collection system due to infiltration/ inflow (I/I)during rain events. The dates of these incidents follow: 6/25/2004, 5/1/2004, 11/4/2002.

Date: 10/27/2005 (433415)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 112, SubChapter B 112.31
30 TAC Chapter 112, SubChapter B 112.32
Description: Failure to prevent emissions of hydrogen sulfide from a source or sources operated on a property or multiple sources operated on contiguous properties from exceeding net ground level concentrations of 0.080 parts per million by volume (ppmv) and 0.120 parts per million by volume (ppmv) averaged over a 30-minute period.

Date: 02/24/2006 (455911)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT TPDES Permit No. 10401-003
Description: Failure to meet the effluent limitation for fecal coliform bacteria as required by the permit. On 4/26/2004 and 4/22/2005 the fecal coliform bacteria concentration measured too numerous to count (TNTC) which exceeded the daily maximum

permit limit of 400 colonies per 100 ml.

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT TPDES Permit No. 10401-003

Description: Failure to meet the daily average (0.006 mg/l) and daily maximum (0.013 mg/l) effluent limitation for copper as required by the permit. The incident dates are as follow:

3/28/2004, 6/1, 9/2003, 5/ 1, 4, 9, 26/2003, 4/7, 9, 13, 15, 16, 17, 29, 2003, 4/2003, 3/6, 11, 12, 17/2003, 2/26/2003, 1/6, 9, 29/2003.

Self Report? NO Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)

Rqmt Prov: PERMIT TPDES Permit No. 10401-003

Description: Failure to prevent the unauthorized discharges of wastewater from the collection system due to infiltration/ inflow (I/I)during rain events. The dates of these incidents follow: 6/25/2004, 5/1/2004, 11/4/2002.

Date: 06/30/2006 (580497)

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: 12/22/2006 (593261)

Self Report? NO Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	21-May-2007			
	PCW	5-Sep-2007	Screening	5-Sep-2007	EPA Due

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Corpus Christi (Greenwood Collection System)		
Reg. Ent. Ref. No.	RN101610400		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34626	No. of Violations	1
Docket No.	2007-1436-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
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)	<i>Subtotal 1</i>	\$4,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	81% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$3,240
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Notes: The Respondent self-reported 12 months of effluent quality violations and was issued six written NOV's (three for same or similar violations and three not the same or similar).

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

Good Faith Effort to Comply	25% Reduction	<i>Subtotal 5</i>	\$1,000
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	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary		
Ordinary	X	
N/A		(mark with x)

Notes: The Respondent returned to compliance on August 10, 2006.

		0% Enhancement*	<i>Subtotal 6</i>	\$0
Total EB Amounts	\$36	*Capped at the Total EB \$ Amount		
Approx. Cost of Compliance	\$4,100			

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$6,240
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OTHER FACTORS AS JUSTICE MAY REQUIRE		<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes:

<i>Final Penalty Amount</i>	\$6,240
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$6,240
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DEFERRAL	0% Reduction	<i>Adjustment</i>	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$6,240
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Screening Date	5-Sep-2007	Docket No.	2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Greenwood Collection System)			<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34626			<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN101610400			
Media [Statute]	Water Quality			
Enf. Coordinator	Laurie Eaves			

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	15	75%
	Other written NOVs	3	6%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 81%

>> **Repeat Violator (Subtotal 3)**

Adjustment Percentage (Subtotal 3) 0%

>> **Compliance History Person Classification (Subtotal 7)**

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes The Respondent self-reported 12 months of effluent quality violations and was issued six written NOVs (three for same or similar violations and three not the same or similar).

Total Adjustment Percentage (Subtotals 2, 3, & 7) 81%

Screening Date 5-Sep-2007	Docket No. 2007-1436-MWD-E	PCW
Respondent City of Corpus Christi (Greenwood Collection System)		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34626		<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No. RN101610400		
Media [Statute] Water Quality		
Enf. Coordinator Laurie Eaves		
Violation Number	1	
Rule Cite(s)	Tex. Water Code § 26.121(a) and TPDES Permit No. 10401003, Permit Conditions No. 2(g)	
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented by an investigation conducted on March 13, 2007. Specifically, approximately 6,600 gallons of wastewater discharged from the collection system (see attached Unauthorized Discharge Table).	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.			

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Four single events are recommended (one for each discharge).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$36"/>	Violation Final Penalty Total <input type="text" value="\$6,240"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,240"/>	

Economic Benefit Worksheet

Respondent City of Corpus Christi (Greenwood Collection System)
 Case ID No. 34626
 Reg. Ent. Reference No. RN101610400
 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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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)	\$4,000	6-Jun-2006	10-Aug-2006	0.2	\$36	n/a	\$36

Notes for DELAYED costs

Estimated cost associated with repairing the collection system, and cleaning/disinfecting the affected areas. Date Required is the initial unauthorized discharge. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$4,000

TOTAL

\$36

City of Corpus Christi
Greenwood Collection System
RN101610400
Docket No. 2007-1436-MWD-E

Unauthorized Discharge Table

Date	Location	Quantity
June 1, 2006	manhole at Hampshire Street and McBride Street (inflow/infiltration)	3,000 gallons
June 1, 2006	manhole at 5400 block of Up River Road (inflow/infiltration)	3,000 gallons
August 7, 2006	manhole at Bear Lane and Junior Beck Drive (line blockage)	400 gallons
August 10, 2006	manhole at Bear Lane and Junior Beck Drive (line blockage)	200 gallons



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision June 26, 2007

DATES	Assigned	21-May-2007	Screening		EPA Due	
	PCW	5-Sep-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Corpus Christi (Oso Collection System)		
Reg. Ent. Ref. No.	RN101610327		
Facility/Site Region	14-Corpus Christi	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34626	No. of Violations	2
Docket No.	2007-1436-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Laurie Eaves
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	\$15,000
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ADJUSTMENTS (+/-) TO SUBTOTAL 1		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	45% Enhancement	Subtotals 2, 3, & 7 \$6,750

Notes The Respondent self-reported five months of effluent quality violations and was issued four written NOV's for the same or similar violations.

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

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

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$79	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,500	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$21,750
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OTHER FACTORS AS JUSTICE MAY REQUIRE		Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount	\$21,750
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$21,750
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DEFERRAL	0% Reduction	Adjustment	\$0
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes No deferral is recommended for Findings Orders.

PAYABLE PENALTY	\$21,750
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Screening Date	Docket No. 2007-1436-MWD-E	PCW
Respondent	City of Corpus Christi (Oso Collection System)	<i>Policy Revision 2 (September 2002)</i>
Case ID No.	34626	<i>PCW Revision June 26, 2007</i>
Reg. Ent. Reference No.	RN101610327	
Media [Statute]	Water Quality	
Enf. Coordinator	Laurie Eaves	

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action <i>(number of NOVs meeting criteria)</i>	9	45%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

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) 45%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported five months of effluent quality violations and was issued four written NOVs for the same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 45%

Screening Date	Docket No. 2007-1436-MWD-E	PCW
Respondent City of Corpus Christi (Oso Collection System)	Policy Revision 2 (September 2002)	
Case ID No. 34626	PCW Revision June 26, 2007	
Reg. Ent. Reference No. RN101610327		
Media [Statute] Water Quality		
Enf. Coordinator Laurie Eaves		

Violation Number	1
Rule Cite(s)	Tex. Water Code § 26.121(a) and TPDES Permit No. WQ0010401004, Permit Conditions No. 2(g)
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented by a record review conducted on March 19, 2007. Specifically, approximately 2,050 gallons of wastewater discharged from the collection system (see attached Unauthorized Discharge Table).
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent	
	Release	Major	Moderate		Minor
	Actual				x
	Potential			10%	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	Percent
					0%

Matrix Notes: Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty \$10,000

Ten single events are recommended (one for each date of discharge).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$43"/>	Violation Final Penalty Total <input type="text" value="\$14,500"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$14,500"/>	

Economic Benefit Worksheet

Respondent: City of Corpus Christi (Oso Collection System)
Case ID No.: 34626
Reg. Ent. Reference No.: RN101610327
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
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)	\$1,000	4-May-2006	13-Mar-2007	0.9	\$43	n/a	\$43

Notes for DELAYED costs

Estimated cost associated with repairing the collection system, and cleaning/disinfecting the affected areas. Date Required is the initial unauthorized discharge. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$43

Screening Date	Docket No. 2007-1436-MWD-E	PCW			
Respondent City of Corpus Christi (Oso Collection System)	<i>Policy Revision 2 (September 2002)</i>				
Case ID No. 34626	<i>PCW Revision June 26, 2007</i>				
Reg. Ent. Reference No. RN101610327					
Media [Statute] Water Quality					
Enf. Coordinator Laurie Eaves					
Violation Number <input type="text" value="2"/>					
Rule Cite(s)	30 Tex. Admin. Code § 305.125 (1) and 305.125(9), and TPDES Permit No. WQ0010401004, Monitoring and Reporting Requirements No. 7				
Violation Description	Failed to provide notification of unauthorized discharges from the collection system orally within 24 hours after becoming aware of the discharges which occurred on October 14, 2006, January 26, 2007, January 28, 2007, February 7, 2007, and February 21, 2007.				
Base Penalty		<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		
		Percent	<input type="text" value="0%"/>		
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent	<input type="text" value="10%"/>
Matrix Notes	100% of the requirement was not met.				
		Adjustment		<input type="text" value="\$9,000"/>	
				<input type="text" value="\$1,000"/>	
Violation Events					
Number of Violation Events		<input type="text" value="5"/>	Number of violation days		<input type="text" value="5"/>
<i>mark only one with an x</i>	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input type="text"/>			
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input checked="" type="text" value="x"/>			
				Violation Base Penalty	<input type="text" value="\$5,000"/>
Five single events are recommended (one for each notice due).					
Economic Benefit (EB) for this violation			Statutory Limit Test		
Estimated EB Amount		<input type="text" value="\$37"/>		Violation Final Penalty Total	
				<input type="text" value="\$7,250"/>	
				This violation Final Assessed Penalty (adjusted for limits)	
				<input type="text" value="\$7,250"/>	

Economic Benefit Worksheet

Respondent: City of Corpus Christi (Oso Collection System)
Case ID No.: 34626
Reg. Ent. Reference No.: RN101610327
Media: Water Quality
Violation No.: 2

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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	\$500	15-Oct-2006	1-Apr-2008	1.5	\$37	n/a	\$37
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with training staff to ensure proper reporting. Date Required is the date the first report was due. 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

\$500

TOTAL

\$37

Compliance History

Customer/Respondent/Owner-Operator: CN600131858 City of Corpus Christi Classification: AVERAGE Rating: 2.0
Regulated Entity: RN101610327 OSO FACILITY Classification: AVERAGE Site Rating: 0.51
ID Number(s): WASTEWATER PERMIT WQ0010401004
WASTEWATER PERMIT TPDES0047058
WASTEWATER PERMIT TX0047058
PRETREATMENT EPA ID TX0047058000
PRETREATMENT PERMIT WQ0010401004
WASTEWATER LICENSING LICENSE WQ0010401004
STORMWATER PERMIT TXR05L405
Location: 601 Nile Drive, at the intersection of Nile Drive and Ennis Joslin Road in the
City of Corpus Christi, Nueces County

Rating Date: September 01 07 Repeat Violator: NO

TCEQ Region: REGION 14 - CORPUS CHRISTI
Date Compliance History Prepared: September 05, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 05, 2002 to September 05, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Laurie Eaves Phone: 512/239-4495

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 09/24/2002 (181892)
- 2 10/22/2002 (181895)
- 3 11/22/2002 (181899)
- 4 12/27/2002 (181903)
- 5 01/21/2003 (181907)
- 6 02/21/2003 (181866)
- 7 03/21/2003 (181869)
- 8 04/22/2003 (181886)
- 9 04/22/2003 (181874)
- 10 05/22/2003 (181878)
- 11 05/29/2003 (35679)
- 12 06/24/2003 (181882)
- 13 07/14/2003 (118904)
- 14 08/21/2003 (150171)
- 15 09/09/2003 (305354)
- 16 09/15/2003 (248169)
- 17 09/23/2003 (305356)
- 18 10/23/2003 (305358)
- 19 10/23/2003 (305361)
- 20 11/21/2003 (305359)

21 12/29/2003 (305360)
22 02/24/2004 (305343)
23 03/22/2004 (305345)
24 04/23/2004 (305352)
25 04/28/2004 (305346)
26 05/24/2004 (305348)
27 06/10/2004 (274233)
28 06/22/2004 (305350)
29 09/17/2004 (356127)
30 09/21/2004 (356128)
31 10/25/2004 (356129)
32 10/25/2004 (356131)
33 11/23/2004 (356130)
34 12/22/2004 (384108)
35 02/22/2005 (384107)
36 03/01/2005 (351082)
37 03/22/2005 (422028)
38 04/25/2005 (422029)
39 04/25/2005 (422032)
40 05/23/2005 (422030)
41 06/21/2005 (422031)
42 06/30/2005 (394282)
43 09/02/2005 (442920)
44 09/23/2005 (442921)
45 10/11/2005 (434020)
46 10/24/2005 (472413)
47 11/22/2005 (472414)
48 12/27/2005 (472415)
49 01/24/2006 (472416)
50 02/24/2006 (472411)
51 03/22/2006 (472412)
52 04/18/2006 (500772)
53 04/18/2006 (500775)
54 05/22/2006 (500773)
55 06/23/2006 (500774)
56 07/11/2006 (466210)
57 08/31/2006 (522917)
58 09/22/2006 (547703)
59 10/24/2006 (547704)
60 10/24/2006 (547707)
61 11/27/2006 (547705)
62 12/27/2006 (547706)
63 01/08/2007 (553709)
64 02/23/2007 (580474)
65 03/23/2007 (580475)
66 04/23/2007 (580476)
67 05/15/2007 (559089)
68 05/18/2007 (580477)
69 06/25/2007 (580478)
70 07/17/2007 (580479)

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

Date: 05/30/2003 (35679)

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 210, SubChapter B 210.25(b)(1)

Rqmt Prov: PERMIT Authorization NO. R10401-003

Description: Failure to post signs at any area where reclaimed water is stored and not secured to prevent access from the public. At the time of the investigation, signs were not posted at Pharaoh Valley Golf Course holding pond.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 210, SubChapter A 210.4(a)(4)[G]

Rqmt Prov: PERMIT Authorization No. R10401-003

Description: Failure to maintain a current operation and maintenance plan.

Self Report? NO Classification: Moderate

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

Rqmt Prov: PERMIT EPA ID NO. TX00407058

Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter O 305.535(c)(1)[G]

Rqmt Prov: PERMIT EPA ID NO. TX00407058

Description: Failure to ensure that the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained. There shall be no unauthorized discharges of wastewater or any other waste.

Date: 04/30/2004 (305348)

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: 06/11/2004 (274233)
Self Report? NO Classification: Moderate
Citation: TWC Chapter 26 26.121
Rqmt Prov: PERMIT WQ0010401-004
Description: Failure to prevent the discharge of wastewater into or adjacent to waters of the state.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010401-004
Description: Failure to ensure that the facility and all its systems of collection, treatment, and disposal are properly operated and maintained.

Date: 07/16/2005 (394282)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]
Rqmt Prov: OP Permit Conditions
Description: Failure to prevent unauthorized discharges in the collection system.

Date: 03/31/2006 (500772)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (500775)
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: 01/08/2007 (553709)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 02/28/2007 (580475)
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: 06/30/2007 (580479)
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

City of Corpus Christi
 Oso Collection System
 RN101610327
 Docket No. 2007-1436-MWD-E

Unauthorized Discharge Table

Date	Location	Quantity
May 4, 2006	manhole at Grand Junction Drive and Aaron Drive (broken force main)	50 gallons
July 6, 2006	manhole at Rosebud Avenue and Denver Avenue (inflow/infiltration)	500 gallons
October 2, 2006	manhole in the 5500 block of South Alameda Street (line blockage)	200 gallons
October 14, 2006	manhole at McArdle Road and Dodd Drive (inflow/infiltration)	1,000 gallons
January 26, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
January 28, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
February 7, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
February 21, 2007	manhole at Denver Avenue and Oleander Avenue (bad connection)	unknown
March 7, 2007	manhole at Denver Avenue and Oleander Avenue (line blockage)	200 gallons
March 13, 2007	line blockage at 7061 Lake View Drive	100 gallons

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF CORPUS CHRISTI
RN101610327 AND RN101610400

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1436-MWD-E

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 Corpus Christi ("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 presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

I. FINDINGS OF FACT

1. The City owns and operates the Oso Wastewater Treatment Facility and collection system located at 601 Nile Drive, at the intersection of Nile Drive and Ennis Joslin Road in Corpus Christi, Nueces County, Texas (the "Oso Facility").

2. The City owns and operates the Greenwood Wastewater Treatment Facility and collection system located at 6541 Greenwood Drive, at the intersection of State Highway 357 (Saratoga Boulevard) and Greenwood Drive, about 1.5 miles south of South Padre Island in Corpus Christi, Nueces County, Texas (the "Greenwood Facility").
3. The City has discharged wastewater into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
4. During a record review conducted on March 19, 2007 of the Oso Facility, TCEQ documented the unauthorized discharges of wastewater from the collection system into or adjacent to water in the state. Specifically, approximately 2,050 gallons of wastewater discharged from the collection system as detailed below:

Date	Location	Quantity
May 4, 2006	manhole at Grand Junction Drive and Aaron Drive (broken force main)	50 gallons
July 6, 2006	manhole at Rosebud Avenue and Denver Avenue (inflow/infiltration)	500 gallons
October 2, 2006	manhole in the 5500 block of South Alameda Street (line blockage)	200 gallons
October 14, 2006	manhole at McArdle Road and Dodd Drive (inflow/infiltration)	1,000 gallons
January 26, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
January 28, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
February 7, 2007	manhole at Denver Avenue and Oleander Avenue (reason unknown)	unknown
February 21, 2007	manhole at Denver Avenue and Oleander Avenue (bad connection)	unknown
March 7, 2007	manhole at Denver Avenue and Oleander Avenue (line blockage)	200 gallons
March 13, 2007	line blockage at 7061 Lake View Drive	100 gallons

5. During a record review conducted on March 19, 2007 of the Oso Facility, TCEQ documented that the City did not provide notification of unauthorized discharges from the collection system orally within 24 hours after becoming aware of the discharges. Specifically, notification was not provided timely for the unauthorized discharges on October 14, 2006, January 26, 2007, January 28, 2007, February 7, 2007, and February 21, 2007.
6. During an investigation conducted on March 13, 2007 at the Greenwood Facility collection system, TCEQ documented the unauthorized discharges of wastewater from the collection system into or adjacent to water in the state. Specifically, approximately 6,600 gallons of wastewater discharged from the collection system as detailed below:

Date	Location	Quantity
June 1, 2006	manhole at Hampshire Street and McBride Street (inflow/infiltration)	3,000 gallons
June 1, 2006	manhole at 5400 block of Up River Road (inflow/infiltration)	3,000 gallons
August 7, 2006	manhole at Bear Lane and Junior Beck Drive (line blockage)	400 gallons
August 10, 2006	manhole at Bear Lane and Junior Beck Drive (line blockage)	200 gallons

7. During an investigation conducted on March 13, 2007 at the Greenwood Facility, TCEQ documented an unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, approximately 10,000 gallons of wastewater discharged from the bar screen at the Facility on February 15, 2006.
8. During an investigation conducted on March 13, 2007 at the Greenwood Facility, TCEQ documented that the City did not comply with the permitted single grab limit of 800 colonies per 100 milliliters for Fecal Coliform Bacteria on June 1, 2006. Specifically, the reported value was greater than 800 colonies per 100 milliliters.
9. During an investigation conducted on March 13, 2007 at the Greenwood Facility, TCEQ documented that the City did not properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions. Specifically, the automatic ultraviolet disinfection control system was not in operation; however, disinfection was taking place.
10. During an investigation conducted on March 13, 2007 at the Greenwood Facility, TCEQ documented that the City did not properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions. Specifically, the yard hydrant located at the lift station was not marked "Unsafe Water."

11. During an investigation conducted on March 13, 2007 at the Greenwood Facility, TCEQ documented that the City did not provide an intruder-resistant fence. Specifically, the perimeter fence was damaged and open on the northeastern side of the facility.
12. The City received the notice of the violations on May 7 and 20, 2007.
13. The Executive Director recognizes that the City implemented the following corrective measures at the Oso Facility collection system:
 - a. By March 13, 2007, repaired the collection system, and cleaned and disinfected the affected areas outlined in Section I, Paragraph 4 above ; and
 - b. Issued work orders to alleviate the discharges detailed in Section I, Paragraph 5 above on the dates the unauthorized discharges commenced.
14. The Executive Director recognizes that the City repaired the collection system, and cleaned and disinfected the affected areas outlined in Section I, Paragraph 6 above by August 10, 2006 at the Greenwood Facility collection system.
15. The Executive Director recognizes that the City implemented the following corrective measures at the Greenwood Facility:
 - a. On February 16, 2006, reset the bar screen circuit breaker, and cleaned and disinfected the effected areas outlined in Section I, Paragraph 7 above;
 - b. On July 1, 2006, returned to compliance with the permitted single grab limit of 800 colonies per 100 milliliters for Fecal Coliform Bacteria;
 - c. On March 19, 2007, restored power to the automatic ultraviolet disinfection control system;
 - d. On April 2, 2007, marked the yard hydrant "Unsafe Water;" and
 - e. On April 2, 2007, repaired the fence on the northeast side of the Facility.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 4, the City failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010401004, Permit Conditions No. 2(g).
3. As evidenced by Findings of Fact No. 5, the City failed to provide notification of unauthorized discharges from the collection system orally within 24 hours after becoming aware of the

discharges, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(9), and TPDES Permit No. WQ0010401004, Monitoring and Reporting Requirements No. 7.

4. As evidenced by Findings of Fact No. 6, the City failed to prevent the unauthorized discharge of wastewater from the collection system into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10401003, Permit Conditions No. 2(g).
5. As evidenced by Findings of Fact No. 7, the City failed to prevent the unauthorized discharge of wastewater from the bar screen at the Facility into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a) and TPDES Permit No. 10401003, Permit Conditions No. 2(g).
6. As evidenced by Findings of Fact No. 8, the City failed to meet the permitted single grab limit of 800 colonies per 100 milliliters for Fecal Coliform Bacteria on June 1, 2006, as documented by an investigation conducted on March 13, 2007, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 10401003, Final Effluent Limitations and Monitoring Requirements No. 1.
7. As evidenced by Findings of Fact No. 9, the City failed to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.6, and TPDES Permit No. 10401003, Operational Requirements No. 1.
8. As evidenced by Findings of Fact No. 10, the City failed to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions, as documented during an investigation conducted on March 13, 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.7(d), and TPDES Permit No. 10401003, Operational Requirements No. 1.
9. As evidenced by Findings of Fact No. 11, the City failed to properly operate and maintain all systems of treatment and control (and related appurtenances) installed or used to achieve compliance with permit conditions, as documented during an investigation conducted on March 13, 2007, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1), 305.125(5), and 317.7(e), and TPDES Permit No. 10401003, Operational Requirements No. 1.
10. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
11. An administrative penalty in the amount of Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

1. The City is assessed an administrative penalty in the amount of Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810) as set forth in Section II, Paragraph 11 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Corpus Christi, Docket No. 2007-1436-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 SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section II, Paragraph 11, Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810) 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. The City shall undertake the following technical requirements:
 - a. Within 60 days after the effective date of this Agreed Order, update the Oso Facility and collection system operations guidance and conduct employee training to ensure that all reporting requirements are properly accomplished, in accordance with 30 TEX. ADMIN. CODE § 305.125(1) and 305.125(9), and TPDES Permit No. WQ0010401004, Monitoring and Reporting Requirements No. 7.c.; and
 - b. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision No. 3.a. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that 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 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
Corpus Christi Regional Office
Texas Commission on Environmental Quality
6300 Ocean Drive, Suite 1200
Corpus Christi, Texas 78412-5503

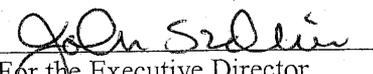
4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
5. If the City fails to comply with any of the Ordering 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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.

8. 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.
9. 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.
10. 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.
11. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/5/2008

Date

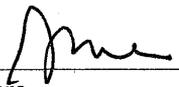
I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Corpus Christi. I am authorized to agree to the attached Agreed Order on behalf of City of Corpus Christi (Greenwood Facility), and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Corpus Christi waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

December 11, 2007

Date

GEORGE NOE

Name (Printed or typed)
Authorized Representative of the
City of Corpus Christi

CITY MANAGER

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.

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Attachment A
Docket Number: 2007-1436-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Corpus Christi
Payable Penalty Amount: Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810)
SEP Amount: Forty-Two Thousand Eight Hundred Ten Dollars (\$42,810)
Type of SEP: Pre-approved
Third-Party Recipient: Coastal Bend Bays and Estuaries Program, Inc.
Location of SEP: Nueces County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used for the Colonial Waterbird Rookery Island Enhancement Project. Shamrock and Causeway Islands are important rookery island with heavy bird usage that are experiencing significant loss of wetland and rookery habitat due to dredging activities and erosion from waves and ships. SEP monies will be used to pay for the labor and material costs associated with preventing erosion in the unprotected areas of the islands and restoring parts of the islands that have suffered from erosion. The project will protect critical bird habitat and also enhance the wetlands.

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 enhancing the colonial waterbird habitat on Causeway and Shamrock Islands in Nueces County. The project will result in: stabilization of the islands, protection of the birds, reduction of erosion, creation of wetland habitat and bird nesting habitat, creation of submerged aquatic vegetation, and maintenance of the Corpus Christi Bay system.

C. Minimum Expenditure

The Respondent shall contribute at least the SEP Amount to the Third-Party Recipient and comply with all other provisions of this SEP.

2. Performance Schedule

Within 30 days after the effective date of this Agreed Order, the Respondent must contribute the SEP Amount to the Third-Party Recipient. The Respondent shall mail the contribution, with a copy of the Agreed Order, to:

Coastal Bend Bays and Estuaries Program, Inc.
Attn: Ray Allen, Executive Director
1305 North Shoreline Drive, Suite 205
Corpus Christi, Texas 78401

3. Records and Reporting

Concurrent with the payment of the SEP Amount, the Respondent shall provide the TCEQ SEP Coordinator with a copy of the check and transmittal letter indicating full payment of the SEP Amount to the Third-Party Recipient. The Respondent shall mail a copy of the check and transmittal letter to:

Enforcement Division
Attention: SEP Coordinator, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. Failure to Fully Perform

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

The check for any amount due shall be made out to "Texas Commission on Environmental Quality" and mailed to:

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

The Respondent shall also mail a copy of the check to the TCEQ SEP Coordinator at the address in Section 3 above.

5. 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.

6. Clean Texas Program

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

7. 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 Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.

