

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1629-MWD-E **TCEQ ID:** RN101609378 **CASE NO.:** 34770
RESPONDENT NAME: City of Trinidad

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Trinidad PLT 2, located southeast of the City of Trinidad, approximately 1.2 miles south of the intersection of Farm-to-Market Road 1667 and U.S. Highway 31, Henderson County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment plant</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on March 31, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None 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 Chris Quinn, Mayor, City of Trinidad, P.O. Box 345, Trinidad, Texas 75163 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Record Review Relating to this Case: September 17, 2007</p> <p>Date of NOE Relating to this Case: October 3, 2007 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>Failure to comply with the permitted effluent limitations for biochemical oxygen demand and total suspended solids [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010467002, Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$8,520</p> <p>Total Deferred: \$1,704 <input type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$6,816</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:</p> <p>a) During March and April 2007, introduced tilapia and pH adjustments to the facility lagoons to lower biochemical oxygen demand and algae growth; and</p> <p>b) During June 2007, achieved compliance with permitted effluent limitations.</p>

Additional ID No(s): WQ0010467002

Compliance History

Customer/Respondent/Owner-Operator:	CN600333942	City of Trinidad	Classification: AVE	Rating: 2.82
Regulated Entity:	RN101609378	CITY OF TRINIDAD PLT 2	Classification: AVE	Site Rating:2.46
ID Number(s):	WASTEWATER	PERMIT		WQ0010467002
	WASTEWATER	PERMIT		TPDES0054585
	WASTEWATER	PERMIT		TX0054585
	WASTEWATER LICENSING	LICENSE		WQ0010467002
Location:	located southeast of the City of Trinidad, approximately 1.2 miles south of the intersection of Farm-to-Market Road 1667 and U.S. Highway 31 in Henderson County, Texas		Rating Date: September 01 07	Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	October 09, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 09, 2002 to October 09, 2007			

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

Name: Andrew Hunt Phone: 512-239-1203

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? | <u>N/A</u> |
| 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 Effective Date: 02/10/2005 ADMINORDER 2004-0669-WQ-E
 Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: Effluent Limits PERMIT
 Description: Failure to comply with permit effluent limits as documented by a TCEQ record review of self-reported data.

- 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 | 10/09/2002 | (186694) |
| 2 | 11/08/2002 | (186698) |
| 3 | 12/17/2002 | (186702) |
| 4 | 01/13/2003 | (186706) |
| 5 | 02/10/2003 | (186665) |
| 6 | 03/19/2003 | (186668) |
| 7 | 03/31/2003 | (27490) |
| 8 | 04/07/2003 | (247082) |
| 9 | 04/09/2003 | (186673) |
| 10 | 05/07/2003 | (186677) |
| 11 | 06/04/2003 | (186681) |

12	07/10/2003	(186685)
13	08/18/2003	(307541)
14	08/22/2003	(150049)
15	09/21/2003	(449402)
16	10/20/2003	(307543)
17	10/20/2003	(307545)
18	11/20/2003	(307546)
19	12/15/2003	(307547)
20	02/20/2004	(307531)
21	03/12/2004	(307533)
22	04/14/2004	(307548)
23	04/16/2004	(307534)
24	04/30/2004	(268869)
25	05/17/2004	(307536)
26	06/22/2004	(307538)
27	07/13/2004	(356899)
28	08/18/2004	(356900)
29	09/16/2004	(356901)
30	10/18/2004	(356902)
31	11/15/2004	(356903)
32	12/20/2004	(384548)
33	01/10/2005	(384549)
34	02/22/2005	(348882)
35	02/22/2005	(384547)
36	03/21/2005	(443424)
37	04/11/2005	(374840)
38	04/15/2005	(443425)
39	05/17/2005	(443426)
40	07/18/2005	(443428)
41	08/18/2005	(443429)
42	09/15/2005	(443430)
43	09/21/2005	(449403)
44	09/27/2005	(443427)
45	10/17/2005	(581933)
46	11/10/2005	(581935)
47	12/19/2005	(581937)
48	01/13/2006	(452205)
49	01/26/2006	(581939)
50	02/17/2006	(581921)
51	03/16/2006	(581923)
52	04/20/2006	(581924)
53	05/15/2006	(581926)
54	06/28/2006	(581928)
55	07/27/2006	(581930)
56	09/05/2006	(581931)
57	09/29/2006	(581932)
58	10/23/2006	(581934)
59	11/16/2006	(581936)
60	12/22/2006	(581938)
61	01/18/2007	(581940)
62	02/20/2007	(532882)
63	02/23/2007	(541148)
64	02/26/2007	(581922)
65	04/20/2007	(581925)
66	06/18/2007	(581927)
67	06/18/2007	(581929)
68	08/22/2007	(572535)
69	10/03/2007	(594784)

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

Date 10/31/2002 (186698)

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 (186706)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2003 (186665)
 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 (186668)
 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 (186673)
 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 04/02/2003 (27490)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.2[G]
 30 TAC Chapter 317 317.3[G]

Description: Failure to maintain lift stations in good operating condition.
 Date 04/07/2003 (247082)
 Self Report? NO Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE
 Date 07/31/2003 (307541)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 08/31/2003 (307543)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 09/21/2003 (449402)
 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 09/30/2003 (307545)
 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 10/31/2003 (307546)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2003 (307547)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 12/31/2003 (307548)
 Self Report? YES Classification: Moderate

Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	01/31/2004 (307531)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/29/2004 (307533)		
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	03/31/2004 (307534)		
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	04/30/2004 (307536)		
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	05/31/2004 (307538)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	07/31/2004 (356900)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	08/31/2004 (356901)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	09/30/2004 (356902)		
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	10/31/2004 (356903)		
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	11/30/2004 (384548)		
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	02/18/2005 (348882)		
Self Report?	NO	Classification:	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5) 30 TAC Chapter 317 317.4(i)[G]		
Rqmt Prov:	OP Operational Requirements, 1		
Description:	The berms showed signs of deterioration which is required to be repaired in order to maintain the required two feet minimum of free board. An excess amount of shrubs and trees were observed growing in the berms around the pond.		
Date	02/28/2005 (443424)		
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 03/31/2005 (443425)
 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 (443426)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 06/30/2005 (443428)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 09/21/2005 (449403)
 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 10/31/2005 (581935)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2005 (581937)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 12/31/2005 (581939)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2006 (581921)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 03/31/2006 (581924)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter
 Date 11/30/2006 (581938)
 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 12/12/2006 (541148)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)(A)
 Rqmt Prov: PERMIT Monitoring and Reporting Requirements 7a
 Description: During the investigation conducted on December 12, 2006, the investigator determined that the City failed to provide oral notification of an unauthorized discharge of raw sewage occurring on November 7, 2006. Additionally, the City failed to submit a written notification of noncompliance to the Tyler Regional Office

Date 12/31/2006 (581940)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

TWC Chapter 26 26.121(a)[G]
 Description: Failure to meet the limit for one or more permit parameter
 Date 01/31/2007 (581922)
 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 02/28/2007 (532882)
 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 03/31/2007 (581925)
 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 04/30/2007 (581927)
 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 05/31/2007 (581929)
 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 08/24/2007 (572535)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 317 317.4(a)(8)
 30 TAC Chapter 317 317.7(i)
 Description: Failure to install a backflow prevention device on the public drinking water supply
 connecton located at the wastewater treatment plant. Specifically, the investigator
 documentedt hat a backflow prevention device was not installed on the public water
 supply connection located at the wastewater treatment plant or the J Street Lift Station.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(11)(B)
 30 TAC Chapter 305, SubChapter F 305.125(11)(C)[G]
 Rqmt Prov: PERMIT Sludge Reporting Requirements
 Description: Failure to submit the Annual Sludge Discharge Monitoring Reports for the period ending
 July 31, 2006.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(i)[G]
 Rqmt Prov: PERMIT Operational Requirements
 Description: Failure to properly operate and maintain all facilities and systems of treatment and
 control (and related appurtenances) installed or used by the permittee to achieve
 compliance with the permit conditions.
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
 Description: Failure to provide a means for acquiring an accurate manual flow measurement.

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 September 19, 2007

TCEQ

DATES	Assigned	8-Oct-2007	Screening	11-Oct-2007	EPA Due	
	PCW	12-Oct-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Trinidad
Reg. Ent. Ref. No.	RN101609378
Facility/Site Region	5-Tyler
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34770	No. of Violations	1
Docket No.	2007-1629-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Andrew Hunt
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) *Subtotal 1* **\$3,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 219% Enhancement *Subtotals 2, 3, & 7* **\$6,570**

Notes The Respondent self-reported 37 months of effluent quality violations and was issued one Agreed Order containing denial language and seven NOV's not same or similar.

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

Notes The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction *Subtotal 5* **\$750**

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

Notes Respondent achieved compliance with permit effluent limits during June 2007.

Total EB Amounts \$8,538 **0% Enhancement*** *Subtotal 6* **\$0**

Approx. Cost of Compliance \$210,000 **Capped at the Total EB \$ Amount*

SUM OF SUBTOTALS 1-7 *Final Subtotal* **\$8,820**

OTHER FACTORS AS JUSTICE MAY REQUIRE -3% *Adjustment* **-\$300**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes Recommended reduction to prevent the self-reported violations from overly impacting the penalty.

Final Penalty Amount **\$8,520**

STATUTORY LIMIT ADJUSTMENT *Final Assessed Penalty* **\$8,520**

DEFERRAL 20% Reduction *Adjustment* **-\$1,704**

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

Notes Deferral offered for expedited settlement.

PAYABLE PENALTY **\$6,816**

Screening Date	11-Oct-2007	Docket No.	2007-1629-MWD-E	PCW
Respondent	City of Trinidad			Policy Revision 2 (September 2002)
Case ID No.	34770			PCW Revision September 19, 2007
Reg. Ent. Reference No.	RN101609378			
Media [Statute]	Water Quality			
Enf. Coordinator	Andrew Hunt			

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)	37	185%
	Other written NOVs	7	14%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 219%

>> 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 37 months of effluent quality violations and was issued one Agreed Order containing denial language and seven NOVs not same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 219%

Screening Date 11-Oct-2007	Docket No. 2007-1629-MWD-E	PCW
Respondent City of Trinidad	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 34770	<small>PCW Revision September 19, 2007</small>	
Reg. Ent. Reference No. RN101609378		
Media [Statute] Water Quality		
Enf. Coordinator Andrew Hunt		

Violation Number	1	Rule Cite(s)		
		Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010467002, Effluent Limitations and Monitoring Requirements No. 1		
Violation Description		Failed to comply with the permitted effluent limitations, as shown in the attached violation table.		
Base Penalty				\$10,000

>> Environmental, Property and Human Health Matrix					
OR		Harm			
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	x	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10%"/>
>> Programmatic Matrix					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
					Percent <input style="width: 50px;" type="text" value="0%"/>
Matrix Notes	A simplified model was used to evaluate biochemical oxygen demand to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. In addition, total suspended solids were considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.				
Adjustment				\$9,000	

	\$1,000
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Violation Events																
	Number of Violation Events	<input style="width: 40px;" type="text" value="3"/>	Number of violation days	<input style="width: 40px;" type="text" value="241"/>												
	<small>mark only one with an x</small>	<table border="1" style="margin-left: auto; margin-right: auto;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>	Violation Base Penalty	<input style="width: 100px;" type="text" value="\$3,000"/>
daily	<input type="text"/>															
monthly	<input type="text"/>															
quarterly	x															
semiannual	<input type="text"/>															
annual	<input type="text"/>															
single event	<input type="text"/>															
Three quarterly events are recommended.																

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount	<input style="width: 100px;" type="text" value="\$8,538"/>
	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$8,520"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$8,520"/>	

Economic Benefit Worksheet

Respondent: City of Trinidad
 Case ID No: 34770
 Reg. Ent. Reference No: RN101609378
 Media: Water Quality
 Violation No: 1

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	\$210,000	30-Nov-2006	30-Jun-2007	0.6	\$407	\$8,132	\$8,538
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to improve engineering and sampling quality at Facility. Date Required is first month of non-compliance. Final Date is 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

\$210,000

TOTAL

\$8,538

EFFLUENT VIOLATION TABLE

City of Trinidad
 TPDES Permit No. WQ0010467002
 Docket No. 2007-1629-MWD-E

Months	BOD daily avg. loading	BOD daily avg. conc.	BOD single grab	TSS daily avg. conc.
	Limit = 38 lbs/day	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 90 mg/L
11/30/2006	c	c	c	98
12/31/2006	c	40	c	97
1/31/2007	c	44	c	c
2/28/2007	c	38	c	c
3/31/2007	c	41	c	c
4/30/2007	62.8	106.7	168	106.7
5/31/2007	55.6	89.7	305	c

avg. = average

c = compliant

BOD = biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

TSS = total suspended solids

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



**IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF TRINIDAD
RN101609378**

§ **BEFORE THE**
§
§ **TEXAS COMMISSION ON**
§
§ **ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1629-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Trinidad ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a domestic wastewater treatment system located southeast of the City of Trinidad, approximately 1.2 miles south of the intersection of Farm-to-Market Road 1667 and U.S. Highway 31 in Henderson County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 8, 2007.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Eight Thousand Five Hundred Twenty Dollars (\$8,520) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Six Thousand Eight Hundred Sixteen Dollars (\$6,816) of the

The first step in the process of international business finance is to identify the source of funds. This can be done through a variety of methods, including bank loans, government grants, and private equity. The second step is to evaluate the risks associated with each source of funds. This includes factors such as the stability of the source, the cost of the funds, and the legal and regulatory environment. The third step is to develop a financial plan that outlines the company's needs and the sources of funds that will be used to meet those needs. This plan should also include a risk management strategy to protect the company's assets and ensure the success of its international operations.

Once the financial plan is developed, the next step is to implement it. This involves negotiating with the sources of funds and securing the necessary financing. It also involves setting up the legal and regulatory framework for the company's international operations. This may include establishing a subsidiary in a foreign country, obtaining the necessary licenses and permits, and complying with the tax and financial reporting requirements of the host country.

The final step in the process is to monitor and evaluate the company's international financial performance. This involves tracking the company's cash flow, profitability, and other key financial indicators. It also involves assessing the company's risk exposure and adjusting its financial strategy as needed to ensure its long-term success in the international market.

International business finance is a complex and challenging task that requires a deep understanding of the global financial system and the company's international operations. By following the steps outlined above, companies can effectively manage their international financial risks and ensure the success of their global expansion efforts.

One of the key challenges in international business finance is the exchange rate risk. This is the risk that the value of a company's assets and liabilities will change due to fluctuations in the exchange rate between the company's home currency and the currencies of its international operations. This risk can be managed through a variety of methods, including forward contracts, options, and currency swaps.

Another key challenge is the political risk. This is the risk that a company's international operations will be affected by changes in the political and economic environment of the host country. This risk can be managed through a variety of methods, including diversification, hedging, and political risk insurance.

Finally, a key challenge is the legal and regulatory risk. This is the risk that a company's international operations will be affected by changes in the legal and regulatory environment of the host country. This risk can be managed through a variety of methods, including legal and regulatory expertise, compliance programs, and the use of legal and regulatory consultants.

administrative penalty and One Thousand Seven Hundred Four Dollars (\$1,704) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. During March and April 2007, introduced tilapia and pH adjustments to the Facility lagoons to lower biochemical oxygen demand and algae growth; and
 - b. During June 2007, achieved compliance with permitted effluent limitations.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

As owner and operator of the Facility, the City is alleged to have failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010467002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on September 17, 2007 and shown in the violation table below:

EFFLUENT VIOLATION TABLE				
Months	BOD daily avg. loading	BOD daily avg. conc.	BOD daily max. grab	TSS daily avg. conc.
	Limit = 125 lbs/day	Limit = 30 mg/L	Limit = 100 mg/L	Limit = 90 mg/L
11/30/2006	c	c	c	98
12/31/2006	c	40	c	97
1/31/2007	c	44	c	c
2/28/2007	c	38	c	c
3/31/2007	c	41	c	c
4/30/2007	62.8	106.7	168	106.7
5/31/2007	55.6	89.7	305	c

avg. = average

c = compliant

BOD = biochemical oxygen demand

conc. = concentration

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

TSS = total suspended solids

III. DENIALS

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

IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations, which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Trinidad, Docket No. 2007-1629-MWD-E" to:

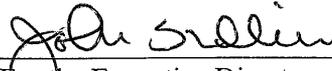
Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088

2. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
3. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
4. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
5. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

3/4/2008
Date

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

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

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

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



Signature

1-8-08
Date

Chris Quinn
Name (Printed or typed)
Authorized Representative of
City of Trinidad

Mayor
Title

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

