

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2007-1723-MWD-E **TCEQ ID:** RN102179371 **CASE NO.:** 34865
RESPONDENT NAME: City of Redwater

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 Redwater Wastewater Treatment Plant, located approximately 800 feet east of Farm-to-Market Road 991 from a point located approximately 3,100 feet south of the intersection of Farm-to-Market Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater, Bowie County</p> <p>TYPE OF OPERATION: Wastewater treatment system</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 17, 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 Beverly Phares, Mayor, City of Redwater, P.O. Box 209, Redwater, Texas 75573 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: August 29, 2007</p> <p>Date of NOE Relating to this Case: October 16, 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 five-day biochemical oxygen demand, total chlorine, 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. WQ0010926001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2].</p>	<p>Total Assessed: \$3,100</p> <p>Total Deferred: \$620 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,480</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010926001, within 60 days after the effective date of this Agreed Order. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance and be notarized by a State of Texas Notary Public.</p>

Additional ID No(s): WQ0010926001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

DATES		Assigned	22-Oct-2007	Screening	25-Oct-2007	EPA Due	
		PCW	25-Oct-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Redwater		
Reg. Ent. Ref. No.	RN102179371		
Facility/Site Region	5-Tyler	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34865	No. of Violations	1
Docket No.	2007-1723-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Andrew Hunt
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 55% Enhancement Subtotals 2, 3, & 7 \$1,100

Notes: The penalty is enhanced because the Respondent has 11 months of self-reported effluent violations.

Culpability No 0% Enhancement Subtotal 4 \$0

Notes: The Respondent does not meet the culpability criteria.

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

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

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

Total EB Amounts 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$976 *Capped at the Total EB \$ Amount
\$10,000

SUM OF SUBTOTALS 1-7 Final Subtotal \$3,100

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment \$0
 Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$3,100

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$3,100

DEFERRAL 20% Reduction Adjustment -\$620
 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 \$2,480

Screening Date 25-Oct-2007

Docket No. 2007-1723-MWD-E

PCW

Respondent City of Redwater

Policy Revision 2 (September 2002)

Case ID No. 34865

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102179371

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)	11	55%
	Other written NOVs	0	0%
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%
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) 55%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The penalty is enhanced because the Respondent has 11 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 55%

Screening Date 25-Oct-2007	Docket No. 2007-1723-MWD-E	PCW			
Respondent City of Redwater		<small>Policy Revision 2 (September 2002)</small>			
Case ID No. 34865		<small>PCW Revision September 19, 2007</small>			
Reg. Ent. Reference No. RN102179371					
Media [Statute] Water Quality					
Enf. Coordinator Andrew Hunt					
Violation Number <input type="text" value="1"/>					
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System Permit No. WQ0010926001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2				
Violation Description	Failed to comply with the permitted effluent limitations, as shown in the attached effluent table.				
	Base Penalty	<input type="text" value="\$10,000"/>			
>> Environmental, Property and Human Health Matrix					
OR	Harm				
	Release	Major	Moderate	Minor	
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
>> Programmatic Matrix					
	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	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. Also, total suspended solids, and total chlorine 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	<input type="text" value="\$9,000"/>			
		<input type="text" value="\$1,000"/>			
Violation Events					
	Number of Violation Events	<input type="text" value="2"/>	Number of violation days	<input type="text" value="91"/>	
mark only one with an x	daily	<input type="text"/>			
	monthly	<input type="text"/>			
	quarterly	<input checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,000"/>	
	semiannual	<input type="text"/>			
	annual	<input type="text"/>			
	single event	<input type="text"/>			
	Two quarterly events are recommended.				
Economic Benefit (EB) for this violation		Statutory Limit Test			
Estimated EB Amount	<input type="text" value="\$976"/>	Violation Final Penalty Total	<input type="text" value="\$3,100"/>		
	This violation Final Assessed Penalty (adjusted for limits)			<input type="text" value="\$3,100"/>	

Economic Benefit Worksheet

Respondent: City of Redwater
 Case ID No. 34865
 Reg. Ent. Reference No. RN102179371
 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)	\$10,000	1-Nov-2006	24-Mar-2008	1.4	\$46	\$930	\$976
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

The estimated cost to evaluate the causes of the effluent violations and to implement necessary rehabilitation to the wastewater system. Date required is the first date of noncompliance. The final date is the expected 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	\$10,000	TOTAL	\$976
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**CITY OF REDWATER
DOCKET NO. 2007-1723-MWD-E**

EFFLUENT VIOLATION TABLE

Months	BOD 5- Day ave. conc.	BOD 5- Day single grab max. conc.	BOD 5- Day loading ave.	Total Chlorine Residual Daily max. conc.	TSS Daily ave. loading	TSS Daily ave. conc.	TSS Daily single grab conc.
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 12 lbs/day	Limit = 4 mg/L	Limit = 18 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L
11/30/2006	c	c	c	4.1	c	c	c
5/31/2007	12.4	c	17.5	c	46.8	16.4	62.0
6/30/2007	23.2	50.0	19.6	c	c	c	c

ave. = average

c = compliant

conc. = concentration

BOD = biochemical oxygen demand

lbs/day = pounds per day

max. = maximum

mg/L = milligrams per Liter

TSS = total suspended solids

Compliance History

Customer/Respondent/Owner-Operator:	CN600627475	City of Redwater	Classification: AVERAGE	Rating: 1.76
Regulated Entity:	RN102179371	CITY OF REDWATER	Classification: AVERAGE	Site Rating:0.52
ID Number(s):	WASTEWATER	PERMIT	WQ0010926001	
	WASTEWATER	PERMIT	TPDES0056251	
	WASTEWATER	PERMIT	TX0056251	
	WASTEWATER LICENSING	LICENSE	WQ0010926001	
Location:	Located approximately 800 feet east of Farm-to-Market Road 991 from a point located approximately 3,100 feet south of the intersection of Farm-to-Market Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater in Bowie County, Texas			Rating Date: September 01 07 Repeat Violator: NO
TCEQ Region:	REGION 05 - TYLER			
Date Compliance History Prepared:	October 23, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	October 23, 2002 to October 23, 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? | 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 | 11/25/2002 | (188072) |
| 2 | 12/18/2002 | (188075) |
| 3 | 01/21/2003 | (188079) |
| 4 | 02/17/2003 | (308156) |
| 5 | 03/31/2003 | (188047) |
| 6 | 04/07/2003 | (29771) |
| 7 | 04/22/2003 | (188052) |
| 8 | 05/22/2003 | (308160) |
| 9 | 06/20/2003 | (308161) |
| 10 | 07/24/2003 | (308162) |
| 11 | 09/08/2003 | (308163) |
| 12 | 09/19/2003 | (308164) |
| 13 | 10/20/2003 | (308165) |
| 14 | 11/20/2003 | (308166) |
| 15 | 12/08/2003 | (257048) |
| 16 | 12/29/2003 | (308167) |
| 17 | 01/20/2004 | (308168) |
| 18 | 02/23/2004 | (308157) |
| 19 | 03/18/2004 | (308158) |
| 20 | 04/23/2004 | (308159) |

21 05/20/2004 (357133)
 22 06/18/2004 (357134)
 23 07/22/2004 (357135)
 24 09/15/2004 (357136)
 25 09/22/2004 (357137)
 26 10/18/2004 (384687)
 27 11/17/2004 (384688)
 28 12/20/2004 (384689)
 29 01/24/2005 (384690)
 30 02/18/2005 (422657)
 31 03/21/2005 (384686)
 32 04/26/2005 (422658)
 33 05/16/2005 (422659)
 34 06/16/2005 (422660)
 35 07/19/2005 (443562)
 36 09/20/2005 (443564)
 37 09/29/2005 (443563)
 38 10/17/2005 (473527)
 39 11/16/2005 (473529)
 40 12/21/2005 (473530)
 41 01/17/2006 (473531)
 42 02/23/2006 (473525)
 43 03/22/2006 (473526)
 44 04/20/2006 (501639)
 45 05/18/2006 (501640)
 46 06/21/2006 (501641)
 47 07/20/2006 (523899)
 48 08/22/2006 (523900)
 49 09/25/2006 (523901)
 50 10/18/2006 (548926)
 51 10/31/2006 (517626)
 52 11/20/2006 (548927)
 53 12/21/2006 (548928)
 54 01/16/2007 (582264)
 55 02/21/2007 (548925)
 56 03/26/2007 (582259)
 57 04/17/2007 (582260)
 58 05/17/2007 (582261)
 59 06/14/2007 (582262)
 60 07/17/2007 (582263)
 61 10/16/2007 (574150)

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

Date 11/30/2002 (188075)
 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 (188047)
 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 (188052)
 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 06/30/2004 (357135)
 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 (357136)

Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	02/28/2006	(473526)	
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	(501639)	
Self Report?	YES	Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)[G]		
Description:	Failure to meet the limit for one or more permit parameter		
Date	04/30/2006	(501640)	
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	(548928)	
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	(582262)	
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	(582263)	
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

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF REDWATER
RN102179371

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§
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BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1723-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 Redwater ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment system located approximately 800 feet east of Farm-to-Market Road 991 from a point located approximately 3,100 feet south of the intersection of Farm-to-Market Road 991 with the St. Louis Southwestern Railway, south of the City of Redwater in Bowie 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 21, 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 Three Thousand One Hundred Dollars (\$3,100) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations").

The City has paid Two Thousand Four Hundred Eighty Dollars (\$2,480) of the administrative penalty and Six Hundred Twenty Dollars (\$620) 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 may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with the 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 ("TPDES") Permit No. WQ0010926001, Effluent Limitations and Monitoring Requirements Nos. 1 and 2, as documented during a record review conducted on August 29, 2007, and as shown in the effluent table below:

EFFLUENT VIOLATION TABLE							
Months	BOD 5-Day ave. conc.	BOD 5-Day single grab max. conc.	BOD 5-Day loading ave.	Total Chlorine Residual Daily max. conc.	TSS Daily ave. loading	TSS Daily ave. conc.	TSS Daily single grab conc.
	Limit = 10 mg/L	Limit = 35 mg/L	Limit = 12 lbs/day	Limit = 4 mg/L	Limit = 18 lbs/day	Limit = 15 mg/L	Limit = 60 mg/L
11/30/2006	c	c	c	4.1	c	c	c
5/31/2007	12.4	c	17.5	c	46.8	16.4	62.0
6/30/2007	23.2	50.0	19.6	c	c	c	c

ave. = average

c = compliant

conc. = concentration

BOD = biochemical oxygen demand

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 Redwater, Docket No. 2007-1723-MWD-E" to:

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

2. It is further ordered that, within 60 days after the effective date of this Agreed Order, the City shall submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010926001. The certification shall include detailed supporting documentation including receipts, and/or other records to demonstrate compliance, be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

Order Compliance Team
Enforcement Division, MC 219
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

with a copy to:

Water Section, Manager
Tyler Regional Office
Texas Commission on Environmental Quality
2916 Teague Drive
Tyler, Texas 75701-3756

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Srdic
For the Executive Director

3/5/2008
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.

Beverly Phares
Signature

Dec. 27, 2007
Date

Beverly Phares
Name (Printed or typed)
Authorized Representative of
City of Redwater

Mayer
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.

Section 10: [Illegible Title]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]

[Illegible text]