EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1582-MWD-E **TCEQ ID:** RN103016192 **CASE NO.:** 34670

RESPONDENT NAME: City of Munday

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

SITE WHERE VIOLATION(S) OCCURRED: City of Munday, located immediately south of Farm-to-Market Road 1587 approximately 2.3 miles northwest of the intersection of Farm-to-Market Road 1587 and Farm-to-Market Road 266, Knox County

TYPE OF OPERATION: Wastewater treatment plant

SMALL BUSINESS: ____ Yes X No

OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.

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

COMMENTS RECEIVED: The *Texas Register* comment period expired on June 2, 2008. No comments were received.

CONTACTS AND MAILING LIST:

SEP Coordinator: Ms. Sharon Blue, SEP Coordinator, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Ms. Pamela Campbell, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4493; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171
Respondent: The Honorable Robert Bowen, Mayor, City of Munday, 121 East Main Street, Munday, Texas 76371
Respondent's Attorney: Not represented by counsel on this enforcement matter

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
Type of Investigation: ___ Complaint ___ Routine ___ Enforcement Follow-up X Records Review **Date(s) of Complaints Relating to this Case:** None **Date of Investigation Relating to this Case:** March 29, 2007 **Date of NOE Relating to this Case:** May 27, 2007 (NOE) **Background Facts:** This was a routine record review. **WATER** 1) Failure to comply with its permitted effluent limits for biochemical oxygen demand ("BOD"), total suspended solids ("TSS"), and pH [30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010228002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TEX. WATER CODE § 26.121(a)(1)]. 2) Failure to ensure that all systems of collection, treatment, and disposal are properly maintained and operated. Specifically, the cover/access doorway to the South 10th Street lift station was totally rusted with most of the lid eroded [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(a) and TPDES Permit No. WQ0010228002, Operational Requirements No. 1]. 3) Failure to properly calibrate and maintain the dissolved oxygen ("DO") meter. Specifically, the Respondent's DO meter was not working properly due to lack of maintenance [30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2]. 4) Failure to properly analyze effluent samples. Specifically, the Respondent was not analyzing duplicate DO samples [30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0010228002, Monitoring	**Total Assessed:** $44,400 **Total Deferred:** $8,880 X Expedited Settlement __Financial Inability to Pay **SEP Conditional Offset:** $35,520 **Total Paid (Due) to General Revenue:** $0 **Site Compliance History Classification** __ **High** X **Average** __ **Poor** **Person Compliance History Classification** __ **High** X **Average** __ **Poor** **Major Source:** ___ Yes X No **Applicable Penalty Policy:** September 2002	**Corrective Actions Taken:** 1) The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility: a) On May 7, 2007, submitted documentation that the DO meter had maintenance performed on it and has been calibrated; b) On May 7, 2007, submitted documentation that the Respondent has begun analyzing duplicate DO samples; c) On May 7, 2007, submitted documentation that flow, BOD, and TSS sample loading calculations are being done correctly; and d) On June 11, 2007, submitted documentation that the South 10th Street lift station cover has been replaced. **Ordering Provisions:** 2) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP) (See SEP Attachment A). 3) The Order will also require the Respondent to within 60 days after the effective date of this Agreed Order, submit written compliance with the effluent limits of TPDES Permit No. WQ0010228002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.

and Reporting Requirements No. 2]. 5) Failure to accurately determine loading calculations and correctly report self-reported effluent data. Specifically, the Respondent failed to calculate and report the correct values for flow, BOD, and TSS on the January 2006 through February 2007 discharge monitoring reports [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c) and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2].		

Additional ID No(s).: Texas Pollutant Discharge Elimination System Permit No. WQ0010228002

Attachment A
Docket Numbers: 2007-1582-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Munday
Penalty Amount:	Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520)
SEP Offset Amount:	Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520)
Type of SEP:	Custom with Pre-Approved Concept (*Collection Events*)
Location of SEP:	Knox County

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

1. Project Description

A. Project

The Respondent shall conduct a series of collection and recycling events over a period of three years to collect, dispose of, or recycle waste tires, batteries, household appliances, tree trimmings, and other materials. The events will be advertised at a minimum in one local newspaper of large circulation in the community. The Respondent shall ensure that each event:

- offers to the public a convenient drop-off location;
- is organized and conducted to avoid improper storage or disposal of collected materials;
- includes recycling; and
- occurs on a weekend day.

SEP monies will be used for heavy equipment such as roll-off bins, trailers, overtime labor of employees, public announcement of the event, and disposal and recycling costs. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can leach chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping. Collection of waste tires will help prevent illegal tire dumps and help rid the community of the attractive nuisance that can harbor vermin or mosquitoes that can carry West

Nile virus. The event will also help prevent release of harmful chemicals into the atmosphere should the illegally dumped tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent shall spend a minimum of $10,000 in performance of the SEP within the first year following the effective date of this Agreed Order, a cumulative total of $20,000 within two years of the effective date of this Agreed Order, and the remaining amount within three years of the effective date of this Agreed Order. Any portion of the SEP Offset Amount not spent at the end of the three year period shall be remitted to the TCEQ in accordance with Section 5, below.

2. Performance Schedule

The Respondent shall complete the project within three years after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a progress report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion with the time required above. The Respondent shall subsequently report to the TCEQ Office of Legal Services twice per year thereafter until completion of the SEP. These subsequent progress reports will be due in six-month increments following the 90-day Progress Report.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list and total amount of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. Manifests and/or receipts to show proper disposal or recycling of collected materials;
3. A statement of quantifiable environmental benefits;
4. Quantification (number0 of tires, appliances, or other materials collected and disposed or recycled;
5. Photographs of the project; and
6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount. The Respondent agrees that it will remit any shortages in the SEP Offset amount (the amount it fails to perform) to TCEQ within 120 days of completion of the project.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note with the payment explaining that the payment is for a SEP reimbursement. The payment for the amount due shall be made payable to the "Texas Commission on Environmental Quality" and shall be mailed to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

The SEP identified in this Agreed Order has not been, and shall not be, included as an SEP for Respondent under any other orders 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 September 19, 2007*

TCEQ

DATES					
Assigned	30-May-2007				
PCW	5-Nov-2007	Screening	7-Sep-2007	EPA Due	

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Munday		
Reg. Ent. Ref. No.	RN103016192		
Facility/Site Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34670	No. of Violations	5
Docket No.	2007-1582-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Pamela Campbell
Multi-Media		EC's Team	EnforcementTeam 1
Admin. Penalty $ Limit Minimum	$0	Maximum	$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) — *Subtotal 1* **$12,000**

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History — 295% Enhancement — *Subtotals 2, 3, & 7* **$35,400**

Notes: The Respondent has a 1660 order, a NOV for the same violations, and has 54 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.

0% Enhancement* — *Subtotal 6* **$0**

Total EB Amounts: $2,416
Approx. Cost of Compliance: $22,300

**Capped at the Total EB $ Amount*

SUM OF SUBTOTALS 1-7 — *Final Subtotal* **$47,400**

OTHER FACTORS AS JUSTICE MAY REQUIRE — -6.3% — *Adjustment* **-$3,000**

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes: Recommend reduction in penalty so that monthly self-reported violations do not overly impact the penalty amount.

Final Penalty Amount **$44,400**

STATUTORY LIMIT ADJUSTMENT — *Final Assessed Penalty* **$44,400**

DEFERRAL — 20% Reduction — *Adjustment* **-$8,880**

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

Notes: Deferral offered for expedited settlement.

PAYABLE PENALTY **$35,520**

Screening Date	7-Sep-2007	**Docket No.** 2007-1582-MWD-E	**PCW**
Respondent	City of Munday		*Policy Revision 2 (September 2002)*
Case ID No.	34670		*PCW Revision September 19, 2007*
Reg. Ent. Reference No.	RN103016192		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (*number of NOVs meeting criteria*)	55	275%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (*number of orders meeting criteria*)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (*number of judgements or consent decrees meeting criteria*)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (*number of counts*)	0	0%
Emissions	Chronic excessive emissions events (*number of events*)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 *(number of audits for which notices were submitted)*	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (*number of audits for which violations were disclosed*)	0	0%
		Please Enter Yes or No	
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 295%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent has a 1660 order, a NOV for the same violations, and has 54 months of self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 295%

PCW

Policy Revision 2 (September 2002)
PCW Revision September 19, 2007

Screening Date	7-Sep-2007
Docket No.	2007-1582-MWD-E
Respondent	City of Munday
Case ID No.	34670
Reg. Ent. Reference No.	RN103016192
Media [Statute]	Water Quality
Enf. Coordinator	Pamela Campbell
Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1), TPDES Permit No. WQ0010228002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and Tex. Water Code § 26.121(a)(1)
Violation Description	Failed to comply with its permitted effluent limits as shown in the attached table.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			x
Potential			

Percent 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 would not exceed levels that are protective of human health or the environment as a result of this violation.

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events: 4

304 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $4,000

Four quarterly events are recommended.

Economic Benefit (EB) for this violation

Estimated EB Amount $2,332

Statutory Limit Test

Violation Final Penalty Total $14,800

This violation Final Assessed Penalty (adjusted for limits) $14,800

Economic Benefit Worksheet

Respondent City of Munday
Case ID No. 34670
Reg. Ent. Reference No. RN103016192
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)	$20,000	1-Oct-2006	31-May-2008	1.7	$111	$2,221	$2,332
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost to evaluate the treatment units and determine the causes for the Facility's noncompliances. The date required is the initial date of noncompliance and the final date is the anticipated date of compliance.						
Avoided Costs	ANNUALIZE [1] avoided costs before entering item (except for one-time avoided costs)						
Disposal				0.0	$0	$0	$0
Personnel				0.0	$0	$0	$0
Inspection/Reporting/Sampling				0.0	$0	$0	$0
Supplies/equipment				0.0	$0	$0	$0
Financial Assurance [2]				0.0	$0	$0	$0
ONE-TIME avoided costs [3]				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Notes for AVOIDED costs							

Approx. Cost of Compliance	$20,000	TOTAL	$2,332

Screening Date 7-Sep-2007 **Docket No.** 2007-1582-MWD-E **PCW**

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

Case ID No. 34670 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN103016192

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 2

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(5) and 317.3(a) and TPDES Permit No. WQ0010228002, Operational Requirements No. 1

Violation Description Failed to ensure that all systems of collection, treatment, and disposal are properly maintained and operated. Specifically, the cover/access doorway to the South 10th Street lift station was totally rusted with most of the lid eroded.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 74 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date (March 29, 2007) to the compliance date (June 11, 2007).

Economic Benefit (EB) for this violation

Estimated EB Amount $14

Statutory Limit Test

Violation Final Penalty Total $3,700

This violation Final Assessed Penalty (adjusted for limits) $3,700

Economic Benefit Worksheet

Respondent City of Munday
Case ID No. 34670
Reg. Ent. Reference No. RN103016192
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)	$1,000	29-Mar-2007	11-Jun-2007	0.2	$1	$14	$14
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost to replace the lift station's eroded cover/access doorway. The date required is the investigation date and the final date is the date that compliance was achieved.						
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 $14

Screening Date	7-Sep-2007	**Docket No.** 2007-1582-MWD-E	**PCW**
Respondent	City of Munday		*Policy Revision 2 (September 2002)*
Case ID No.	34670		*PCW Revision September 19, 2007*
Reg. Ent. Reference No.	RN103016192		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Violation Number 3

Rule Cite(s) 30 Tex. Admin. Code § 319.11(c) and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2

Violation Description Failed to properly calibrate and maintain the dissolved oxygen ("DO") meter. Specifically, the Respondent's DO meter was not working properly due to lack of maintenance.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1

39 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date (March 29, 2007) to the compliance date (May 7, 2007).

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $3,700

This violation Final Assessed Penalty (adjusted for limits) $3,700

Economic Benefit Worksheet

Respondent City of Munday
Case ID No. 34670
Reg. Ent. Reference No. RN103016192
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment	$200	29-Mar-2007	7-May-2007	0.1	$0	$1	$1
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling				0.0	$0	n/a	$0
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost to repair or replace the DO meter. The date required is the investigation date and the 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 $200

TOTAL $1

Screening Date 7-Sep-2007 **Docket No.** 2007-1582-MWD-E **PCW**

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

Case ID No. 34670 *PCW Revision September 19, 2007*

Reg. Ent. Reference No. RN103016192

Media [Statute] Water Quality

Enf. Coordinator Pamela Campbell

Violation Number 4

Rule Cite(s) 30 Tex. Admin. Code § 319.6 and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2

Violation Description Failed to properly analyze effluent samples. Specifically, the Respondent was not analyzing duplicate DO samples.

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

OR

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 1 | 39 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $1,000

One quarterly event is recommended from the investigation date (March 29, 2007) to the compliance date (May 7, 2007).

Economic Benefit (EB) for this violation

Estimated EB Amount $1

Statutory Limit Test

Violation Final Penalty Total $3,700

This violation Final Assessed Penalty (adjusted for limits) $3,700

Economic Benefit Worksheet

Respondent City of Munday
Case ID No. 34670
Reg. Ent. Reference No. RN103016192
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$100	29-Mar-2007	7-May-2007	0.1	$1	n/a	$1
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost to begin analyzing duplicate DO samples. The date required is the investigation date and the 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: $100

TOTAL: $1

Screening Date	7-Sep-2007	**Docket No.** 2007-1582-MWD-E	**PCW**
Respondent	City of Munday		*Policy Revision 2 (September 2002)*
Case ID No.	34670		*PCW Revision September 19, 2007*
Reg. Ent. Reference No.	RN103016192		
Media [Statute]	Water Quality		
Enf. Coordinator	Pamela Campbell		

Violation Number 5

Rule Cite(s) 30 Tex. Admin. Code §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2

Violation Description Failure to accurately determine loading calculations and correctly report self-reported effluent data. Specifically, the Respondent failed to calculate and report the correct values for flow, biochemical oxygen demand, and total suspended solids on the January 2006 through February 2007 discharge monitoring reports ("DMR").

Base Penalty $10,000

>> Environmental, Property and Human Health Matrix

OR

Release	Harm: Major	Moderate	Minor
Actual			
Potential		x	

Percent 10%

>>Programmatic Matrix

Falsification	Major	Moderate	Minor

Percent 0%

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

Adjustment $9,000

$1,000

Violation Events

Number of Violation Events 5

423 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	x
semiannual	
annual	
single event	

Violation Base Penalty $5,000

Five quarterly events are recommended from the date of first incorrect DMR (January 1, 2006) to February 2007.

Economic Benefit (EB) for this violation

Estimated EB Amount $67

Statutory Limit Test

Violation Final Penalty Total $18,500

This violation Final Assessed Penalty (adjusted for limits) $18,500

Economic Benefit Worksheet

Respondent City of Munday
Case ID No. 34670
Reg. Ent. Reference No. RN103016192
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description (No commas or $)	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Delayed Costs							
Equipment				0.0	$0	$0	$0
Buildings				0.0	$0	$0	$0
Other (as needed)				0.0	$0	$0	$0
Engineering/construction				0.0	$0	$0	$0
Land				0.0	$0	n/a	$0
Record Keeping System				0.0	$0	n/a	$0
Training/Sampling	$1,000	1-Jan-2006	7-May-2007	1.3	$67	n/a	$67
Remediation/Disposal				0.0	$0	n/a	$0
Permit Costs				0.0	$0	n/a	$0
Other (as needed)				0.0	$0	n/a	$0
Notes for DELAYED costs	This is the estimated cost to provide additional laboratory training for Facility operators. The date required is the date of the first incorrect DMR and the final date is the date that the corrected DMRs were submitted.						
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 $67

City of Munday
TCEQ Permit No. WQ0010228002
Docket No. 2007-1582-MWD-E

Date	Biochemical Oxygen Demand Daily Average Concentration 30 milligrams per liter	Biochemical Oxygen Demand Daily Maximum 100 milligrams per liter	Total Suspended Solids Daily Average Concentration 90 milligrams per liter	Total Suspended Solids Single Grab 90 milligrams per liter	Total Suspended Solids Daily Average Loading 150 pounds per day	pH Daily Maximum 9.0 Standard Units
October 2006	67.61	120	Compliant	Compliant	Compliant	10
November 2006	39.25	Compliant	173	Compliant	Compliant	9.5
December 2006	53.25	Compliant	Compliant	Compliant	Compliant	Compliant
January 2007	42.6	Compliant	95.2	Compliant	Compliant	Compliant
February 2007	33.0	Compliant	116.43	Compliant	Compliant	Compliant
March 2007	87.25	Compliant	147	Compliant	Compliant	Compliant
April 2007	55.50	Compliant	100.5	Compliant	Compliant	Compliant
May 2007	87.25	120.0	Compliant	Compliant	Compliant	10.4
June 2007	38.67	Compliant	145.0	Compliant	216.17	Compliant
July 2007	40.0	Compliant	156.5	99	Compliant	N/A
*March 29, 2007	N/A	N/A	N/A	99	N/A	N/A

* Region collected grab sample

Compliance History

Customer/Respondent/Owner-Operator:	CN600735526	City of Munday	Classification: Average	Rating: 4.67
Regulated Entity:	RN103016192	CITY OF MUNDAY	Classification: Average	Site Rating: 8.02
ID Number(s):	WASTEWATER	PERMIT	WQ0010228002	
	WASTEWATER	PERMIT	TPDES0119105	
	WASTEWATER	PERMIT	TX0119105	
Location:	IMMEDIATELY SOUTH OF FM ROAD 1587 APPR. 2.3 MILES NW OF THE INTERSECTION OF FM ROAD 1587 AND FM ROAD 266		Rating Date: September 01 07	Repeat Violator: NO

TCEQ Region: REGION 03 - ABILENE
Date Compliance History Prepared: September 25, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: September 25, 2002 to September 25, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Pamela Campbell Phone: 512 239-4493

Site Compliance History Components

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

Components (Multimedia) for the Site :

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

Effective Date: 07/22/2006 ADMINORDER 2004-0156-MWD-E

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirement 1, Page 9 OP
Description: Failure to ensure that all systems of collection, treatment, and disposal are properly maintained and operated.

Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)
Rqmt Prov: Monitoring & Reporting Req., No. 2 PERMIT
Description: Failure to meet the fifteen minute hold time established for measuring pH.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 319, SubChapter A 319.11[G]
Rqmt Prov: Reporting Requirement 2, Page 4 OP
Description: Failure to accurately determine loading calculations reported on the discharge monitoring reports (DMRs).

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Reporting Requirement 7c, Page 6 OP
Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent by more than 40%.

Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Other Requirement 7, Page 27 OP
Description: Failure to furnish certification to the TCEQ Regional Office by a Texas Licensed Professional Engineer that the completed pond lining meets the appropriate criteria.

Classification: Moderate
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)(1)
Rqmt Prov: Monitoring & Rep. Requirements No. 3(c) PERMIT
Description: Failure to document the analysis time for dissolved oxygen measurements.

Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limitations & Mon. Req. No. 1 PERMIT
Description: Failed to comply with its permitted effluent limits.

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 10/18/2002 (234569)
2 11/21/2002 (234572)
3 12/09/2002 (234575)
4 01/15/2003 (234578)
5 03/03/2003 (234547)
6 03/24/2003 (327453)
7 05/19/2003 (327455)
8 05/19/2003 (327457)
9 07/02/2003 (327458)
10 07/14/2003 (143097)
11 07/22/2003 (327460)
12 08/25/2003 (327461)
13 09/15/2003 (327462)
14 12/01/2003 (327463)

15 12/01/2003 (327464)
16 01/05/2004 (327465)
17 02/23/2004 (327452)
18 03/10/2004 (327454)
19 04/16/2004 (327456)
20 05/24/2004 (367075)
21 06/18/2004 (327459)
22 07/22/2004 (367076)
23 08/16/2004 (367077)
24 09/27/2004 (367078)
25 10/15/2004 (367079)
26 11/17/2004 (338921)
27 11/29/2004 (390079)
28 12/15/2004 (390080)
29 01/18/2005 (390081)
30 03/07/2005 (390077)
31 03/14/2005 (390078)
32 04/08/2005 (348453)
33 04/18/2005 (430764)
34 05/26/2005 (430765)
35 06/30/2005 (430766)
36 08/03/2005 (447611)
37 08/19/2005 (447612)
38 10/03/2005 (492597)
39 10/28/2005 (492598)
40 11/22/2005 (492599)
41 01/26/2006 (492600)
42 02/22/2006 (492595)
43 03/15/2006 (492596)
44 04/28/2006 (506330)
45 06/12/2006 (506331)
46 06/15/2006 (506332)
47 07/28/2006 (528569)
48 12/28/2006 (551898)
49 01/18/2007 (589187)
50 03/20/2007 (589181)
51 04/17/2007 (589182)
52 05/03/2007 (589180)
53 05/03/2007 (589185)
54 05/03/2007 (589186)
55 05/18/2007 (589183)
56 06/21/2007 (589184)

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

Date: 09/30/2002 (234569)
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 (234572)
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 (234575)

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 (234578)
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 (234547)
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 (327453)
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 (327455)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (327457)
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 (327458)
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 (327460)
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 (327462)
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: 09/30/2003 (327463)
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 (327464)
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 (327465)
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 (327452)
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 (327454)
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 (327456)
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 (367075)
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 (327459)
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 (367076)
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 (367077)
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 (367078)
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 (367079)
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 (390079)
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: 11/24/2004 (338921)
Self Report? NO Classification: Minor
Rqmt Prov: OP Effluent Limitation Requirement, Page 2
Description: Failure to meet permit effluent limits for TSS, BOD, pH and Dissolved Oxygen based upon a twelve month record review of DMR data and investigation sample results.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)[G]
Description: Failure to document collection and analyses time for dissolved oxygen measurements.
Self Report? NO Classification: Minor
Rqmt Prov: OP Reporting Requirements 7c, Page 6
Description: Failure to submit noncompliance notifications for effluent violations which deviate from the permitted effluent limit by more than 40%.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.11(c)
Description: Failure to calibrate the dissolved oxygen meter prior to each dissolved oxygen measurement.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 319, SubChapter A 319.6
30 TAC Chapter 319, SubChapter A 319.9(c)
Description: Failure to meet the quality control requirements for the analysis of dissolved oxygen.

Date: 11/30/2004 (390080)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2004 (390081)
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: 01/31/2005 (390077)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2005 (390078)
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 (430764)
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 (430765)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (430766)
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 (447611)
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: 07/31/2005 (447612)
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: 08/31/2005 (492597)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (492598)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2005 (492599)
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 (492600)
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 (492595)
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 (492596)
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 (506330)
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 (506331)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2006 (506332)
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 (528569)
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: 07/31/2006 (589185)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2006 (589186)
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 (551898)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/31/2006 (589187)
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 (589180)
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 (589181)
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 (589182)
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 (589183)
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
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
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: 07/31/2007
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.
N/A

G. Type of environmental management systems (EMSs).
N/A

H. Voluntary on-site compliance assessment dates.
N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

IN THE MATTER OF AN	§	**BEFORE THE**
ENFORCEMENT ACTION	§	
CONCERNING	§	**TEXAS COMMISSION ON**
CITY OF MUNDAY	§	
RN103016192	§	**ENVIRONMENTAL QUALITY**

AGREED ORDER
DOCKET NO. 2007-1582-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Munday ("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 plant located immediately south of Farm-to-Market Road 1587 approximately 2.3 miles northwest of the intersection of Farm-to-Market Road 1587 and Farm-to-Market Road 266 in Knox County, Texas (the "Facility").

2. The City has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.

3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.

4. The City received notice of the violations alleged in Section II ("Allegations") on or about June 1, 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 Forty-Four Thousand Four Hundred Dollars ($44,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eight Thousand Eight Hundred Eighty Dollars ($8,880) 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. Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

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. On May 7, 2007, submitted documentation that the dissolved oxygen ("DO") meter had maintenance performed on it and has been calibrated;

   b. On May 7, 2007, submitted documentation that the City has begun analyzing duplicate DO samples;

   c. On May 7, 2007, submitted documentation that flow, biochemical oxygen demand, and total suspended solids sample loading calculations are being done correctly; and

   d. On June 11, 2007, submitted documentation that the South 10th Street lift station cover has been replaced.

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:

1. Failed to comply with its permitted effluent limits as shown below, in violation of 30 TEX. ADMIN. CODE § 305.125(1), Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010228002, Effluent Limitations and Monitoring Requirements Nos. 1 and 3, and TEX.

WATER CODE § 26.121(a)(1), as documented during an investigation conducted on March 29, 2007.

Date	Biochemical Oxygen Demand Daily Average Concentration 30 milligrams per liter	Biochemical Oxygen Demand Daily Maximum 100 milligrams per liter	Total Suspended Solids Daily Average Concentration 90 milligrams per liter	Total Suspended Solids Single Grab 90 milligrams per liter	Total Suspended Solids Daily Average Loading 150 pounds per day	pH Daily Maximum 9.0 Standard Units
October 2006	67.61	120	Compliant	Compliant	Compliant	10.0
November 2006	39.25	Compliant	173.0	Compliant	Compliant	9.5
December 2006	53.25	Compliant	Compliant	Compliant	Compliant	Compliant
January 2007	42.6	Compliant	95.2	Compliant	Compliant	Compliant
February 2007	33.0	Compliant	116.43	Compliant	Compliant	Compliant
March 2007	87.25	Compliant	147	Compliant	Compliant	Compliant
April 2007	55.50	Compliant	100.5	Compliant	Compliant	Compliant
May 2007	87.25	120.0	Compliant	Compliant	Compliant	10.4
June 2007	38.67	Compliant	145.0	Compliant	216.17	Compliant
July 2007	40.0	Compliant	156.5	99	Compliant	N/A
*March 29, 2007	N/A	N/A	N/A	99	N/A	N/A

* Region collected grab sample

2. Failed to ensure that all systems of collection, treatment, and disposal are properly maintained and operated, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(a) and TPDES Permit No. WQ0010228002, Operational Requirements No. 1, as documented during an investigation conducted on March 29, 2007. Specifically, the cover/access doorway to the South 10th Street lift station was totally rusted with most of the lid eroded.

3. Failed to properly calibrate and maintain the DO meter, in violation of 30 TEX. ADMIN. CODE § 319.11(c) and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on March 29, 2007. Specifically, the City's DO meter was not working properly due to lack of maintenance.

4. Failed to properly analyze effluent samples, in violation of 30 TEX. ADMIN. CODE § 319.6 and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2, as

documented during an investigation conducted on March 29, 2007. Specifically, the City was not analyzing duplicate DO samples.

5. Failed to accurately determine loading calculations and correctly report self-reported effluent data, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.11(c), and TPDES Permit No. WQ0010228002, Monitoring and Reporting Requirements No. 2, as documented during an investigation conducted on March 29, 2007. Specifically, the City failed to calculate and report the correct values for flow, biochemical oxygen demand, and total suspended solids on the January 2006 through February 2007 discharge monitoring reports.

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 Munday, Docket No. 2007-1582-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 I, Paragraph 6 above, Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.

3. It is further ordered that the City shall, within 60 days after the effective date of this Agreed Order, submit written compliance with the effluent limits of TPDES Permit No. WQ0010228002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. 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 this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

Water Section, Manager
Abilene Regional Office
Texas Commission on Environmental Quality
1977 Industrial Boulevard
Abilene, Texas 79602-7833

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

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

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

7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.

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

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

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Sadler
For the Executive Director

6/30/2008
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.

Robert E Bowen
Signature

3-20-2008
Date

Robert Bowen
Name (Printed or typed)
Authorized Representative of
City of Munday

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.

Attachment A
Docket Numbers: 2007-1582-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Munday
Penalty Amount:	Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520)
SEP Offset Amount:	Thirty-Five Thousand Five Hundred Twenty Dollars ($35,520)
Type of SEP:	Custom with Pre-Approved Concept (*Collection Events*)
Location of SEP:	Knox County

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

1. Project Description

A. Project

The Respondent shall conduct a series of collection and recycling events over a period of three years to collect, dispose of, or recycle waste tires, batteries, household appliances, tree trimmings, and other materials. The events will be advertised at a minimum in one local newspaper of large circulation in the community. The Respondent shall ensure that each event:

- offers to the public a convenient drop-off location;
- is organized and conducted to avoid improper storage or disposal of collected materials;
- includes recycling; and
- occurs on a weekend day.

SEP monies will be used for heavy equipment such as roll-off bins, trailers, overtime labor of employees, public announcement of the event, and disposal and recycling costs. The Respondent shall use the SEP Offset Amount only for the direct cost of implementing the project and no portion shall be spent on administrative costs. The Respondent recognizes that additional funds over and above the SEP Offset Amount may be necessary to conduct the event.

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

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing for the proper disposal of wastes that can leach chemicals into the soil, water, and air, as well as help rid the community of the dangers and health threats associated with non-regulated dumping. Collection of waste tires will help prevent illegal tire dumps and help rid the community of the attractive nuisance that can harbor vermin or mosquitoes that can carry West

Nile virus. The event will also help prevent release of harmful chemicals into the atmosphere should the illegally dumped tires catch fire.

C. Minimum Expenditure

The Respondent shall spend at least the SEP Offset Amount to complete the project described above and comply with all other provisions of this Attachment A. The Respondent shall spend a minimum of $10,000 in performance of the SEP within the first year following the effective date of this Agreed Order, a cumulative total of $20,000 within two years of the effective date of this Agreed Order, and the remaining amount within three years of the effective date of this Agreed Order. Any portion of the SEP Offset Amount not spent at the end of the three year period shall be remitted to the TCEQ in accordance with Section 5, below.

2. Performance Schedule

The Respondent shall complete the project within three years after the effective date of this Agreed Order.

3. Reporting

A. Progress Reports

Within 90 days after the effective date of this Agreed Order, the Respondent shall submit a progress report to the TCEQ indicating the progress made to date and setting forth a schedule for achieving completion with the time required above. The Respondent shall subsequently report to the TCEQ Office of Legal Services twice per year thereafter until completion of the SEP. These subsequent progress reports will be due in six-month increments following the 90-day Progress Report.

B. Final Report

Within 60 days after completion of the project, the Respondent shall submit a report to the TCEQ which includes:

1. An itemized list and total amount of expenditures and costs incurred with receipts, copies of checks, or other verifying documentation attached;
2. Manifests and/or receipts to show proper disposal or recycling of collected materials;
3. A statement of quantifiable environmental benefits;
4. Quantification (number0 of tires, appliances, or other materials collected and disposed or recycled;
5. Photographs of the project; and
6. Any additional information the Respondent believes will demonstrate compliance with this Attachment A.

C. Address

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

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

4. Additional Information and Access

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

5. Failure to Fully Perform

If the Respondent does not perform its obligations under this SEP in any way, including full expenditure of the SEP Offset Amount and submittal of the required reporting described in Section 3 above, the Executive Director may require immediate payment of all or part of the SEP Offset Amount. The Respondent agrees that it will remit any shortages in the SEP Offset amount (the amount it fails to perform) to TCEQ within 120 days of completion of the project.

In the event of incomplete performance, the Respondent shall include the docket number of this Agreed Order and a note with the payment explaining that the payment is for a SEP reimbursement. The payment for the amount due shall be made payable to the "Texas Commission on Environmental Quality" and shall be mailed to:

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

6. Publicity

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

7. Clean Texas Program

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

8. Other SEPs by TCEQ or Other Agencies

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