

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-2032-MWD-E TCEQ ID: RN101920809 CASE NO.: 35154

RESPONDENT NAME: City of Bells

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 Bells Wastewater Treatment Plant, located approximately 480 feet northwest of the intersection of U.S. Highway 69 and Farm-to-Market Road 1897, north of Bells in Grayson County</p> <p>TYPE OF OPERATION: Wastewater treatment plant and collection 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 June 9, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Mr. Andrew Hunt, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-1203; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Pat Wilson, Mayor, City of Bells, P.O. Box 95, Bells, Texas 75414 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 checked="" type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: October 3, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 26, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation and record review.</p> <p>WATER</p> <p>1) Failure to prevent the unauthorized discharge of wastewater into or adjacent to water in the state. Specifically, eight unauthorized discharges of wastewater were reported from November 2006 through July 2007 [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010126001, Permit Conditions No. 2.g].</p> <p>2) Failure to comply with the permitted effluent limitations. Specifically, the daily average flow exceeded the permitted level of 0.17 million gallons per day ("MGD") for the following months: January 2007 (.186 MGD); May 2007 (.184 MGD); June 2007 (.259 MGD); and July 2007 (.202 MGD), respectively [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. WQ0010126001, Final Effluent Limitations and Monitoring Requirements No. 1].</p>	<p>Total Assessed: \$13,750</p> <p>Total Deferred: \$2,750 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$11,000</p> <p>Total Paid to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. On November 27, 2006, removed and properly disposed of 200 gallons of discharged wastewater, spread chlorine granules on the affected area, and repaired the broken sewer line located at Farm-to-Market Road 1897 and 705 North Ambrose;</p> <p>b. On January 13, 2007, disinfected the affected area at the Facility's sludge drying bed with hypochlorite and replaced a broken manhole ring on Highway 56 west;</p> <p>c. On February 5, 2007, pumped approximately 30 gallons of discharged wastewater and disinfected the sludge drying bed located at the Facility;</p> <p>d. On February 6, 2007, cleaned up 300 gallons of discharged wastewater, disinfected the affected area with chlorine, and replaced belts on a suction pump at the lift station on 1500 Old Ambrose Road;</p> <p>e. On March 11, 2007, cleaned up approximately 20,000 gallons of discharged wastewater with pump trucks, disinfected the affected area with hypochlorite, and replaced a float switch from a lift station located at the Facility;</p> <p>f. On April 2, 2007, suctioned off soap foam and ran the aerator to remove soap foam from the effluent outfall;</p> <p>g. On July 23, 2007, vacuumed approximately 1,500 gallons of discharged wastewater, disinfected the affected area with hypochlorite, and removed the blockage from the main sewer line located at the 100 block of East Main Street;</p> <p>h. On July 24, 2007, vacuumed approximately 1,000 gallons of discharged wastewater, disinfected the affected area with hypochlorite;</p>

		<p>i. By July 25, 2007, replaced the main sewer line; and</p> <p>j. During August 2007, achieved compliance with effluent flow daily average by rehabilitating the sanitary sewer collection system.</p> <p>Ordering Provisions:</p> <p>The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)</p>
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Additional ID No(s): WQ0010126001

Attachment A

Docket Number: 2007-2032-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Bells
Payable Penalty Amount: Eleven Thousand Dollars (\$11,000)
SEP Amount: Eleven Thousand Dollars (\$11,000)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP: Grayson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	3-Dec-2007	Screening	27-Dec-2007	EPA Due	
	PCW	4-Jan-2008				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Bells
Reg. Ent. Ref. No.	RN101920809
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35154	No. of Violations	2	
Docket No.	2007-2032-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 \$11,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 50% Enhancement Subtotals 2, 3, & 7 \$5,500

Notes: An enhancement is recommended due to two written NOVs with same violations and eight 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 25% Reduction Subtotal 5 \$2,750

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

Notes: The Respondent achieved compliance by August 31, 2007.

Total EB Amounts \$690 0% Enhancement* Subtotal 6 \$0
 Approx. Cost of Compliance \$15,000 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$13,750

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment \$0

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount \$13,750

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$13,750

DEFERRAL 20% Reduction Adjustment -\$2,750

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 \$11,000

Screening Date 27-Dec-2007

Docket No. 2007-2032-MWD-E

PCW

Respondent City of Bells

Policy Revision 2 (September 2002)

Case ID No. 35154

PCW Revision November 6, 2007

Reg. Ent. Reference No. RN101920809

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)	10	50%
	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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 50%

>> **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

An enhancement is recommended due to two written NOVs with same violations and eight self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 50%

Screening Date 27-Dec-2007	Docket No. 2007-2032-MWD-E	PCW												
Respondent City of Bells		<small>Policy Revision 2 (September 2002)</small>												
Case ID No. 35154		<small>PCW Revision November 6, 2007</small>												
Reg. Ent. Reference No. RN101920809														
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 ("TPDES") Permit No. WQ0010126001, Permit Conditions No. 2.g													
Violation Description	Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented during an investigation conducted on October 3, 2007. Specifically, eight unauthorized discharges of wastewater were reported from November 2006 through July 2007, as shown in the attached table.													
	Base Penalty	<input type="text" value="\$10,000"/>												
>> Environmental, Property and Human Health Matrix														
OR	Harm													
	Release Major Moderate Minor													
	Actual <input type="text"/> <input type="text"/> <input type="text"/> <input type="text" value="x"/>	Percent <input type="text" value="10%"/>												
Potential <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>														
>> 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	Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.													
	Adjustment	<input type="text" value="\$9,000"/>												
		<input type="text" value="\$1,000"/>												
Violation Events														
	Number of Violation Events <input type="text" value="8"/>	<input type="text" value="8"/> Number of violation days												
<small>mark only one with an x</small>	<table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td><input type="text" value="x"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	<input type="text"/>	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text" value="x"/>	Violation Base Penalty <input type="text" value="\$8,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	<input type="text"/>													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text" value="x"/>													
	Eight single events are recommended.													
Economic Benefit (EB) for this violation														
	Estimated EB Amount <input type="text" value="\$690"/>	Statutory Limit Test												
		Violation Final Penalty Total <input type="text" value="\$10,000"/>												
	This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$10,000"/>													

Economic Benefit Worksheet

Respondent City of Bells
Case ID No. 35154
Reg. Ent. Reference No. RN101920809
Media Water Quality
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction	\$15,000	27-Nov-2006	25-Jul-2007	0.7	\$33	\$658	\$690
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to replace the main sewer line. Date required is first date of non-compliance. 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

\$15,000

TOTAL

\$690

Screening Date 27-Dec-2007	Docket No. 2007-2032-MWD-E	PCW		
Respondent City of Bells		<small>Policy Revision 2 (September 2002)</small>		
Case ID No. 35154		<small>PCW Revision November 6, 2007</small>		
Reg. Ent. Reference No. RN101920809				
Media [Statute] Water Quality				
Enf. Coordinator Andrew Hunt				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. WQ0010126001, Final Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with the permitted effluent limitations, as documented during a record review conducted on October 3, 2007. Specifically, the average daily flow exceeded the permitted level of 0.17 million gallons per day ("MGD") for the following months: January 2007 (.186 MGD); May 2007 (.184 MGD); June 2007 (.259 MGD); and July 2007 (.202 MGD), respectively.			
	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	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of this violation.			
	Adjustment	<input type="text" value="\$9,000"/>		
				<input type="text" value="\$1,000"/>
Violation Events				
	Number of Violation Events	<input type="text" value="3"/>	Number of violation days	<input type="text" value="123"/>
<small>mark only one with an x</small>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input checked="" type="checkbox"/>		Violation Base Penalty
	semiannual	<input type="text"/>		<input type="text" value="\$3,000"/>
	annual	<input type="text"/>		
	single event	<input type="text"/>		
	Three quarterly events are recommended.			
Economic Benefit (EB) for this violation		Statutory Limit Test		
	Estimated EB Amount	<input type="text" value="\$0"/>	Violation Final Penalty Total	<input type="text" value="\$3,750"/>
			This violation Final Assessed Penalty (adjusted for limits)	<input type="text" value="\$3,750"/>

Economic Benefit Worksheet

Respondent City of Bells
Case ID No. 35154
Reg. Ent. Reference No. RN101920809
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

See violation 1 economic benefit.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$0

TOTAL

\$0

**VIOLATION NO. 1
UNAUTHORIZED DISCHARGE TABLE
City of Bells
TPDES Permit No. WQ0010126001
Docket No. 2007-2032-MWD-E**

Date	Location	Amount Discharged (gallons)	Reason	Corrective Action
11/27/2006	FM 1897 and 705 North Ambrose	200	Main structural failure	Repaired main/disinfected
1/13/2007	WWTP sludge drying bed	2,500	Inflow and infiltration	Pumped discharge/disinfected
2/5/2007	WWTP sludge drying bed	30	Drain line equipment failure	Vacuumed sludge/disinfected
2/6/2007	1500 Old Ambrose Road	300	Lift station failure	Vacuumed area/replaced pump belts
3/11/2007	1001 North Pecan	20,000	Lift station failure	Vacuumed spill/replaced float switch
4/2/2007	Outfall at WWTP	Unknown	Spray nozzle at local car wash left open	Reduced foam levels
7/23/2007	100 block East Main Street	1,500	Blockage	Removed blockage/vacuumed discharge
7/24/2007	100 block East Main Street	1,000	Main structural failure	Replaced main/vacuumed discharge

Compliance History

Customer/Respondent/Owner-Operator:	CN600342646	City of Bells	Classification: AVERAGE	Rating: 0.36
Regulated Entity:	RN101920809	CITY OF BELLS	Classification: AVERAGE	Site Rating: 0.36
ID Number(s):	WASTEWATER	PERMIT	WQ0010126001	
	WASTEWATER	PERMIT	TPDES0053368	
	WASTEWATER	PERMIT	TX0053368	
	WASTEWATER LICENSING	LICENSE	WQ0010126001	
Location:	LOCATED APPROXIMATELY 480 FEET NORTHWEST OF THE INTERSECTION OF HWY 69 AND FARM-TO-MARKET ROAD 1897, NORTH OF BELLS IN GRAYSON COUNTY, TEXAS			Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 14, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 14, 2002 to December 14, 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 01/06/2003 (306665)
- 2 01/09/2003 (184700)
- 3 01/29/2003 (184703)
- 4 05/07/2003 (184672)
- 5 05/19/2003 (306655)
- 6 05/19/2003 (306657)
- 7 05/19/2003 (306659)
- 8 10/23/2003 (306660)
- 9 10/27/2003 (306661)
- 10 10/28/2003 (306662)
- 11 10/28/2003 (306663)
- 12 10/30/2003 (306664)
- 13 12/01/2003 (306666)
- 14 12/23/2003 (306667)
- 15 01/22/2004 (306668)
- 16 02/23/2004 (306654)
- 17 03/19/2004 (306656)
- 18 04/22/2004 (306658)
- 19 05/24/2004 (356565)
- 20 06/21/2004 (356566)

21 07/22/2004 (356567)
 22 08/19/2004 (356568)
 23 09/17/2004 (356569)
 24 11/05/2004 (384350)
 25 11/19/2004 (356570)
 26 12/13/2004 (384351)
 27 12/17/2004 (344345)
 28 01/18/2005 (384352)
 29 02/21/2005 (384349)
 30 03/21/2005 (443204)
 31 04/21/2005 (422288)
 32 05/23/2005 (422289)
 33 06/17/2005 (422290)
 34 06/23/2005 (397266)
 35 07/22/2005 (443205)
 36 08/26/2005 (443206)
 37 09/23/2005 (443207)
 38 10/17/2005 (472943)
 39 11/21/2005 (472944)
 40 12/27/2005 (472945)
 41 02/06/2006 (472946)
 42 02/21/2006 (472941)
 43 03/20/2006 (472942)
 44 04/26/2006 (501243)
 45 05/19/2006 (501244)
 46 05/25/2006 (464907)
 47 06/01/2006 (480872)
 48 06/21/2006 (501245)
 49 07/24/2006 (523482)
 50 08/24/2006 (523483)
 51 09/22/2006 (523484)
 52 10/23/2006 (548385)
 53 11/20/2006 (548386)
 54 12/27/2006 (548387)
 55 01/24/2007 (581498)
 56 02/22/2007 (581493)
 57 03/26/2007 (581494)
 58 04/23/2007 (581495)
 59 05/21/2007 (581496)
 60 06/21/2007 (581497)
 61 07/19/2007 (608141)
 62 09/10/2007 (608142)
 63 09/27/2007 (608143)
 64 11/26/2007 (599279)

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

Date	03/31/2003	(306657)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	04/30/2004	(356565)		
Self Report?	YES		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date	12/17/2004	(344345)		
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	inflow/infiltration related violations			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(4) 30 TAC Chapter 305, SubChapter F 305.125(5) TWC Chapter 26 26.121			

TWC Chapter 26 26.121(a)
 TWC Chapter 26 26.121(a)(1)
 TWC Chapter 26 26.121(a)(2)
 TWC Chapter 26 26.121(a)(3)
 TWC Chapter 26 26.121(b)
 TWC Chapter 26 26.121(c)
 TWC Chapter 26 26.121(d)
 TWC Chapter 26 26.121(e)

Description: unauthorized discharges

Date 01/31/2005 (384349)

Self Report? YES Classification Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date 09/30/2005 (472943)

Self Report? YES Classification Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date 02/16/2006 (464907)

Self Report? NO Classification Moderate

Citation: TWC Chapter 26 26.121

Description: Failure to prevent an unauthorized discharge of partially treated wastewater effluent as a result of a bypass due to a malfunction at the lift station located at the WWTP.

Date 01/31/2007 (581493)

Self Report? YES Classification Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date 05/31/2007 (581497)

Self Report? YES Classification Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date 06/30/2007 (608141)

Self Report? YES Classification Moderate

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

Description: Failure to meet the limit for one or more permit parameter

Date 07/31/2007 (608142)

Self Report? YES Classification Moderate

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

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
ENFORCEMENT ACTION
CONCERNING
CITY OF BELLS
RN101920809**

§
§
§
§
§

**BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-2032-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 Bells ("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 and collection system located approximately 480 feet northwest of the intersection of U.S. Highway 69 and Farm-to-Market Road 1897, north of Bells in Grayson 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 December 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 Thirteen Thousand Seven Hundred Fifty Dollars (\$13,750) is assessed by the Commission in settlement of the violations alleged in Section II

("Allegations"). Two Thousand Seven Hundred Fifty Dollars (\$2,750) 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. Eleven Thousand Dollars (\$11,000) 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 November 27, 2006, removed and properly disposed of 200 gallons of discharged wastewater, spread chlorine granules on the affected area, and repaired the broken sewer line located at Farm-to-Market Road 1897 and 705 North Ambrose;
 - b. On January 13, 2007, disinfected the affected area at the Facility's sludge drying bed with hypochlorite and replaced a broken manhole ring on Highway 56 west;
 - c. On February 5, 2007, pumped approximately 30 gallons of discharged wastewater and disinfected the sludge drying bed located at the Facility;
 - d. On February 6, 2007, cleaned up 300 gallons of discharged wastewater, disinfected the affected area with chlorine, and replaced belts on a suction pump at the lift station on 1500 Old Ambrose Road;
 - e. On March 11, 2007, cleaned up approximately 20,000 gallons of discharged wastewater with pump trucks, disinfected the affected area with hypochlorite, and replaced a float switch from a lift station located at the Facility;
 - f. On April 2, 2007, suctioned off soap foam and ran the aerator to remove soap foam from the effluent outfall;
 - g. On July 23, 2007, vacuumed approximately 1,500 gallons of discharged wastewater, disinfected the affected area with hypochlorite, and removed the blockage from the main sewer line located at the 100 block of East Main Street;
 - h. On July 24, 2007, vacuumed approximately 1,000 gallons of discharged wastewater, disinfected the affected area with hypochlorite;
 - i. By July 25, 2007, replaced the main sewer line; and
 - j. During August 2007, achieved compliance with effluent flow daily average by rehabilitating the sanitary sewer collection system.

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 prevent the unauthorized discharge of wastewater into or adjacent to water in the state, 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. WQ0010126001, Permit Conditions No. 2.g, as documented during an investigation conducted on October 3, 2007. Specifically, eight unauthorized discharges of wastewater were reported from November 2006 through July 2007, as shown in the following table:

EFFLUENT VIOLATION TABLE				
Date	Location	Amount Discharged (gallons)	Reason	Corrective Action
11/27/2006	FM 1897 and 705 North Ambrose	200	Main structural failure	Repaired main/disinfected
1/13/2007	WWTP sludge drying bed	2,500	Inflow and infiltration	Pumped discharge/disinfected
2/5/2007	WWTP sludge drying bed	30	Drain line equipment failure	Vacuumed sludge/disinfected
2/6/2007	1500 Old Ambrose Road	300	Lift station failure	Vacuumed area/replaced pump belts
3/11/2007	1001 North Pecan	20,000	Lift station failure	Vacuumed spill/replaced float switch
4/2/2007	Outfall at WWTP	Unknown	Spray nozzle at local car wash left open	Reduced foam levels
7/23/2007	100 block East Main Street	1,500	Blockage	Removed blockage/vacuumed discharge
7/24/2007	100 block East Main Street	1,000	Main structural failure	Replaced main/vacuumed discharge

2. 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 TPDES Permit No. WQ0010126001, Final Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on October 3, 2007. Specifically, the daily average flow exceeded the permitted level of 0.17 million gallons per day ("MGD") for the following months: January 2007 (.186 MGD); May 2007 (.184 MGD); June 2007 (.259 MGD); and July 2007 (.202 MGD), respectively.

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 Bells, Docket No. 2007-2032-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, Eleven Thousand Dollars (\$11,000) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. The 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 become

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.

City of Bells
DOCKET NO. 2007-2032-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John Suller
For the Executive Director

7/7/08
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.

Pat Wilson
Signature

07-07-08
Date

Pat Wilson
Name (Printed or typed)
Authorized Representative of
City of Bells

Mayor
Title

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

Attachment A

Docket Number: 2007-2032-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Bells
Payable Penalty Amount: Eleven Thousand Dollars (\$11,000)
SEP Amount: Eleven Thousand Dollars (\$11,000)
Type of SEP: Pre-approved
Third-Party Recipient: Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")- Water or Wastewater Treatment Assistance
Location of SEP: Grayson County

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

1. Project Description

A. Project

The Respondent shall contribute to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the Third-Party Recipient shall repair or replace failing water systems or on-site wastewater systems for low income homeowners. The Third-Party Recipient shall use SEP funds to pay for the labor and materials costs related to repairing or replacing the failing systems. The recipients will not be charged for the cost of replacing or repairing the failing systems. The Third-Party recipient shall use a consistent and documented system for determining eligible participants.

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 protecting water sources for drinking, recreation, and wildlife from contamination.

C. Minimum Expenditure

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

2. Performance Schedule

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

Texas Association of Resource Conservation and Development Areas, Inc.
1716 Briarcrest Drive, Suite 510
Bryan, Texas 77802-2700

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

