

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1817-MLM-E **TCEQ ID:** RN102676269 **CASE NO.:** 34928

RESPONDENT NAME: City of Rose City

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 checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" 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 Rose City, at the intersection of Rose City Drive and Old Highway 90, Orange County</p> <p>TYPE OF OPERATION: Water treatment plant and public water supply</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 May 19, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-2576; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable David E. Bush, Mayor, City of Rose City, 370 Rose City Drive, Vidor, Texas 77662-9466 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 type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: September 7, 2007</p> <p>Date of NOV/NOE Relating to this Case: November 1, 2007 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failed to dispose of water treatment sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment sludge. Specifically, on April 21, 2007, the Respondent disposed of approximately 340 cubic yards of water treatment sludge at an unauthorized site [30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014595001, Sludge Provisions].</p> <p>2) Failed to submit annual sludge reports to the TCEQ by September 1 of each year. Specifically, the Respondent has not submitted an annual sludge report for the 2007 reporting period [30 TEX. ADMIN. CODE §§ 305.125(17) and 312.123 and TPDES Permit No. WQ0014595001, Sludge Provisions, Section I.E.].</p> <p>3) Failed to submit discharge monitoring reports ("DMR") for the months of November and December 2005 [30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No. WQ0014595001, Monitoring and Reporting Requirements No. 1].</p> <p>4) Failed to properly operate and maintain all systems of collection, treatment, and disposal. Specifically, dense vegetation covers approximately 90 percent of the</p>	<p>Total Assessed: \$9,230</p> <p>Total Deferred: \$1,846 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$7,384</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately upon the effective date of this Agreed Order, cease improper disposal of water treatment sludge and use of unregistered sludge transporters;</p> <p>b. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the 2007 reporting period and the DMR reports for November and December 2005;</p> <p>c. Within 60 days after the effective date of this Agreed Order:</p> <p>i. Remove, properly transport, and dispose of all water treatment sludge disposed of by the Respondent at the ACR-LP location;</p> <p>ii. Develop and implement standard operating procedures for properly disposing of water treatment sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment sludge by a registered transporter;</p> <p>iii. Remove and properly dispose of excessive vegetation from the backwash/sludge blow down reservoir;</p> <p>iv. Raise the filter to waste connection, serving the potable water plant, above the discharge point of the reservoir so it is not subject to submergence; and</p> <p>d. Within 75 days after the effective date of this Agreed Order, submit written certification and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provisions a. through c.</p>

backwash/sludge blow down reservoir which reduces the mean resident time for settling sediment [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 1].

5) Failed to comply with all provisions of 30 TEX. ADMIN. CODE ch. 312 concerning water treatment sludge use and disposal. Specifically, the sludge transporter hired by the Respondent to transport water treatment sludge did not hold a sludge transporter registration [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 2].

6) Failed to provide a suitable air gap at the filter to the waste connection. Specifically, the recently constructed filter to waste connection, serving the potable water plant, is subject to submergence because the discharge point of the filter to waste line into the reservoir is at or below the reservoir discharge point and is located entirely below the top of the levee [30 TEX. ADMIN. CODE § 290.42(d)(2)(E)].

Additional ID No(s): TPDES Permit No. WQ0014595001 and PWS 1810139



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

DATES	Assigned	5-Nov-2007	Screening	7-Nov-2007	EPA Due	
	PCW	8-Nov-2007				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Rose City		
Reg. Ent. Ref. No.	RN102676269		
Facility/Site Region	10-Beaumont	Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	34928	No. of Violations	5
Docket No.	2007-1817-MLM-E	Order Type	1660
Media Program(s)	Water Quality	Enf. Coordinator	Thomas Jecha
Multi-Media	Public Water Supply	EC's Team	Enforcement Team 3
Admin. Penalty \$	Limit Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1** \$7,000

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History **Subtotals 2, 3, & 7** 30% Enhancement \$2,100

Notes Enhancement recommended for one Agreed Order containing a denial of liability and five NOV's with dissimilar violations issued to the Respondent within the past five years.

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

Notes The Respondent does not meet the culpability criteria.

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

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

Notes The Respondent does not meet the good faith criteria.

Total EB Amounts \$420 **Subtotal 6** 0% Enhancement* \$0
*Capped at the Total EB \$ Amount
Approx. Cost of Compliance \$6,900

SUM OF SUBTOTALS 1-7 **Final Subtotal** \$9,100

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

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes

Final Penalty Amount \$9,100

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty** \$9,100

DEFERRAL **Adjustment** 20% Reduction -\$1,820

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 \$7,280

Screening Date 7-Nov-2007

Docket No. 2007-1817-MLM-E

PCW

Respondent City of Rose City

Policy Revision 2 (September 2002)

Case ID No. 34928

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102676269

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgments or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 30%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement recommended for one Agreed Order containing a denial of liability and five NOV's with dissimilar violations issued to the Respondent within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34928		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Water Quality		
Enf. Coordinator Thomas Jecha		
Violation Number	1	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014595001, Sludge Provisions	
Violation Description	Failed to dispose of water treatment sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment sludge. Specifically, on April 21, 2007, the Respondent disposed of approximately 340 cubic yards of water treatment sludge at an unauthorized site.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

		Falsification	Major	Moderate	Minor	
						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 the violation.					
	Adjustment					\$9,000

Violation Events

Number of Violation Events <input type="text" value="3"/>		Number of violation days <input type="text" value="202"/>												
<table border="1" style="border-collapse: collapse;"> <tr><td style="text-align: center;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="text-align: center;">monthly</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="text-align: center;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">annual</td><td><input type="text"/></td></tr> <tr><td style="text-align: center;">single event</td><td><input type="text"/></td></tr> </table>	daily	<input type="text"/>	monthly	<input type="text"/>	quarterly	x	semiannual	<input type="text"/>	annual	<input type="text"/>	single event	<input type="text"/>		Violation Base Penalty <input type="text" value="\$3,000"/>
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	x													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													
Three quarterly events are recommended from the April 21, 2007 sludge disposal date until the November 7, 2007 screening date.														

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$323"/>	Violation Final Penalty Total <input type="text" value="\$3,900"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$3,900"/>	

Economic Benefit Worksheet

Respondent City of Rose City
 Case ID No. 34928
 Reg. Ent. Reference No. RN102676269
 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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$5,100	21-Apr-2007	27-Jul-2008	1.3	\$323	n/a	\$323

Notes for DELAYED costs

Estimated cost to properly dispose of 340 cubic yards of sludge and use a registered transporter. The Date Required is the date the sludge was transported and disposed of and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,100

TOTAL

\$323

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34928		<i>PCW Revision September 19, 2007</i>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Water Quality		
Enf. Coordinator Thomas Jecha		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(17) and 312.123 and TPDES Permit No. WQ0014595001, Sludge Provisions, Section I.E.	
Violation Description	Failed to submit an annual sludge report ("ASR") to the TCEQ by September 1 of each year. Specifically, the Respondent has not submitted an ASR for the 2007 reporting period.	
	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"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification				
		Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100 percent of the rule requirement was not met.				
	Adjustment	<input type="text" value="\$9,000"/>			

Violation Events

Number of Violation Events	<input type="text" value="1"/>	<input type="text" value="365"/>	Number of violation days	
<i>mark only one with an x</i>	daily	<input type="text"/>	Violation Base Penalty	<input type="text" value="\$1,000"/>
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
One single event is recommended.				

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$4"/>	Violation Final Penalty Total <input type="text" value="\$1,300"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$1,300"/>	

Economic Benefit Worksheet

Respondent City of Rose City
Case ID No. 34928
Reg. Ent. Reference No. RN102676269
Media Water Quality
Violation No. 2

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	27-Jun-2008	0.8	\$4	n/a	\$4

Notes for DELAYED costs

Estimated cost to complete and submit an annual sludge report. The Date Required is the date the report was due and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$4

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34928		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Water Quality		
Enf. Coordinator Thomas Jecha		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 319.7(c) and TPDES Permit No. WQ0014595001, Monitoring and Reporting Requirements No. 1.	
Violation Description	Failed to submit discharge monitoring reports ("DMR") for the months of November and December 2005.	
	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"/>	Percent <input type="text" value="0%"/>
Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	x	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100 percent of the rule requirement was not met.				
	Adjustment				<input type="text" value="\$9,000"/>

Violation Events

Number of Violation Events Number of violation days

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

mark only one with an x

Violation Base Penalty

Two single events are recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$26"/>	Violation Final Penalty Total <input type="text" value="\$2,600"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,600"/>	

Economic Benefit Worksheet

Respondent City of Rose City
Case ID No. 34928
Reg. Ent. Reference No. RN102676269
Media Water Quality
Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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				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)	\$200	1-Dec-2005	27-Jun-2008	2.6	\$26	n/a	\$26

Notes for DELAYED costs

Estimated cost to complete and submit two DMR reports. The Date Required is the date the first DMR was due and the Final Date is the expected 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

\$26

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 34928		<i>PCW Revision September 19, 2007</i>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Water Quality		
Enf. Coordinator Thomas Jecha		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 1.	
Violation Description	Failed to properly operate and maintain all systems of collection, treatment, and disposal. Specifically, dense vegetation covers approximately 90 percent of the backwash/sludge blow down reservoir which reduces the mean resident time for settling sediment.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text" value="x"/>	<input type="text"/>	
				Percent <input type="text" value="5%"/>	

>> 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 could be exposed to insignificant amounts of pollutants as a result of the violation.				
				Adjustment <input type="text" value="\$9,500"/>	

Violation Events

Number of Violation Events <input type="text" value="1"/>	<input type="text" value="62"/>	Number of violation days												
mark only one with an x <table border="1" style="width:100%; 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="\$500"/>
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"/>													

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$67"/>	Violation Final Penalty Total <input type="text" value="\$650"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$650"/>	

Economic Benefit Worksheet

Respondent City of Rose City
Case ID No. 34928
Reg. Ent. Reference No. RN102676269
Media Water Quality
Violation No. 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,500	7-Sep-2007	27-Jul-2008	0.9	\$67	n/a	\$67

Notes for DELAYED costs

Estimated cost to remove vegetation from the backwash/sludge blow down reservoir. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance \$1,500

TOTAL \$67

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34928		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Water Quality		
Enf. Coordinator Thomas Jecha		
Violation Number	5	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 2.	
Violation Description	Failed to comply with all provisions of 30 Tex. Admin. Code Chapter 312 concerning water treatment sludge use and disposal. Specifically, the sludge transporter hired by the Respondent to transport water treatment sludge did not hold a sludge transporter registration.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate	Minor	
	Actual				Percent <input style="width: 50px;" type="text" value="5%"/>
Potential			x		

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent <input style="width: 50px;" type="text" value="0%"/>

Matrix Notes Human health or the environment could be exposed to insignificant amounts of pollutants as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<small>mark only one with an x</small>	daily	
	monthly	
	quarterly	
	semiannual	
	annual	
	single event	x

Violation Base Penalty

One single event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input style="width: 150px;" type="text" value="\$0"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$650"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$650"/>	

Economic Benefit Worksheet

Respondent City of Rose City
Case ID No. 34928
Reg. Ent. Reference No. RN102676269
Media Water Quality
Violation No. 5

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
------------------	-----------	---------------	------------	-----	----------------	---------------	-----------

No commas or \$

Delayed Costs

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

Notes for DELAYED costs

The economic benefit for this violation is included with the economic benefit for violation No. 1.

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

DATES	Assigned	5-Nov-2007	Screening	7-Nov-2007	EPA Due	
	PCW	8-Nov-2007				

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Rose City
Reg. Ent. Ref. No.	RN102676269
Facility/Site Region	10-Beaumont
Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	34928	No. of Violations	1	
Docket No.	2007-1817-MLM-E	Order Type	1660	
Media Program(s)	Public Water Supply	Enf. Coordinator	Thomas Jecha	
Multi-Media	Water Quality	EC's Team	Enforcement Team 3	
Admin. Penalty \$	Limit Minimum	\$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1

ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History 30% Enhancement Subtotals 2, 3, & 7

Notes: Enhancement recommended for one Agreed Order containing a denial of liability and five NOV's with dissimilar violations issued to the Respondent within the past five years.

Culpability No 0% Enhancement Subtotal 4

Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 0% Reduction Subtotal 5

Before NOV NOV to EDRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

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

SUM OF SUBTOTALS 1-7 Final Subtotal

OTHER FACTORS AS JUSTICE MAY REQUIRE 0% Adjustment

Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty

DEFERRAL 20% Reduction Adjustment

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

Screening Date 7-Nov-2007

Docket No. 2007-1817-MLM-E

PCW

Respondent City of Rose City

Policy Revision 2 (September 2002)

Case ID No. 34928

PCW Revision September 19, 2007

Reg. Ent. Reference No. RN102676269

Media [Statute] Public Water Supply

Enf. Coordinator Thomas Jecha

Compliance History Worksheet

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

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (<i>number of NOVs meeting criteria</i>)	0	0%
	Other written NOVs	5	10%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	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 (<i>number of judgements or consent decrees meeting criteria</i>)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (<i>number of counts</i>)	0	0%
Emissions	Chronic excessive emissions events (<i>number of events</i>)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which notices were submitted</i>)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (<i>number of audits for which violations were disclosed</i>)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2) 30%

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

N/A

Adjustment Percentage (Subtotal 3) 0%

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

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> **Compliance History Summary**

Compliance History Notes

Enhancement recommended for one Agreed Order containing a denial of liability and five NOVs with dissimilar violations issued to the Respondent within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 30%

Screening Date 7-Nov-2007	Docket No. 2007-1817-MLM-E	PCW
Respondent City of Rose City		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 34928		<small>PCW Revision September 19, 2007</small>
Reg. Ent. Reference No. RN102676269		
Media [Statute] Public Water Supply		
Enf. Coordinator Thomas Jecha		
Violation Number <input type="text" value="1"/>		
Rule Cite(s)	30 Tex. Admin. Code § 290.42(d)(2)(E)	
Violation Description	Failed to provide a suitable air gap at the filter to the waste connection. Specifically, the recently constructed filter to waste connection, serving the potable water plant, is subject to submergence because the discharge point of the filter to waste line into the reservoir is at or below the reservoir discharge point and is located entirely below the top of the levee.	
	Base Penalty	\$1,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
					Percent
					0%
Matrix Notes	Human health or the environment could be exposed to significant amounts of pollutants as a result of the violation.				

Adjustment

\$100

Violation Events

Number of Violation Events	1		62	Number of violation days
<small>mark only one with an x</small>	daily			
	monthly			
	quarterly	x		
	semiannual			
	annual			
	single event			

Violation Base Penalty

One quarterly event is recommended.

Economic Benefit (EB) for this violation	Statutory Limit Test
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Estimated EB Amount <input type="text" value="\$22"/>	Violation Final Penalty Total <input type="text" value="\$130"/>
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This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Rose City
Case ID No. 34928
Reg. Ent. Reference No. RN102676269
Media Public Water Supply
Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$500	7-Sep-2007	27-Jul-2008	0.9	\$22	n/a	\$22

Notes for DELAYED costs Estimated cost to properly construct the filter to waste connection with a suitable air gap. The Date Required is the investigation date and the Final Date is the expected date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance	\$500	TOTAL	\$22
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Compliance History

Customer/Respondent/Owner- CN601312523 City of Rose City Classification: AVERAGE Rating: 2.50
Regulated RN102676269 CITY OF ROSE CITY Classification: AVERAGE Site Rating: 2.0

ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 1810139
WATER LICENSING LICENSE 1810139
WASTEWATER PERMIT WQ0014595001
WASTEWATER EPA ID TX01277001
WASTEWATER PERMIT TX0127701

Location: INTERSECT ROSE CITY DR & OLD HWY 90, IN ORANGE
CO, TX, 77662

TCEQ Region: REGION 10 - BEAUMONT

Date Compliance History Pre November 06, 2007

Agency Decision Requiring Compliance Enforcement

Compliance Period: November 06, 2002 to November 06, 2007

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

Name: Thomas Jecha Phone: 512 239 2576

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: 05/12/2006 ADMINORDER 2004-1303-PWS-E
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the MCL based on a running annual average for HAA5 during the second quarter of 2004.

Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(4)
5A THC Chapter 341, SubChapter A 341.0315(c)

Description: Exceeded the MCL based on a running annual average for TTHM during second quarter of 2004.

- 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 02/17/2003 (24830)
- 2 06/18/2003 (40808)
- 3 01/16/2004 (259674)
- 4 08/10/2004 (334875)
- 5 08/13/2004 (286994)
- 6 08/20/2004 (291556)
- 7 09/06/2005 (401582)
- 8 03/22/2006 (494041)

9 03/22/2006 (494042)
 10 06/15/2006 (507131)
 11 06/15/2006 (507132)
 12 07/13/2006 (479733)
 13 01/03/2007 (534490)
 14 08/24/2007 (568289)
 15 11/01/2007 (597560)

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

Date 06/18/2003 (40808)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(i)
 Description: Failure to provide ANSI/NSF standard for the polymer used by the water system.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide a flow meter for the recycled decant water.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(1)
 Description: Failure to calibrate the water system's flow meters.
 Date 08/13/2004 (286994)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
 Description: Failure to provide secondary containment for the bulk coagulant storage tank facilities.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(2)
 Description: Failure to have the water system records available for review during inspections.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)(iii)(II)
 Description: Failure to maintain a high rate dual media filter with the appropriate level of anthracite.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
 Description: Failure to equip each filter unit with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators
 Date 09/06/2005 (401582)
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)
 Description: Failure to provide secondary containment for the bulk coagulant storage tank facilities.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)(iii)(II)
 Description: Failure to maintain a high rate dual media filter with the appropriate level of anthracite.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)
 Description: Failure to equip each filter unit with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(e)
 Description: Failure to properly complete Surface Water Monthly Operating Reports.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)(1)
 Description: Failure to ensure the good working condition of the system's facilities and equipment.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(m)
 Description: Failure to ensure the good working condition of the system's facilities and equipment.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(5)
 Description: Failure to provide a flow meter to measure the amount of treated water used to backwash the filters.
 Date 07/13/2006 (479733)
 Self Report? NO Classification Minor

Citation:	30 TAC Chapter 290, SubChapter D 290.42(f)(1)(E)(ii)		
Description:	Failure to provide secondary containment for the bulk coagulant storage tank facilities.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)(iii)(II)		
Description:	Failure to maintain a high rate dual media filter with the appropriate level of anthracite.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(D)(i)		
Description:	Failure to equip each filter unit with a manually adjustable rate-of-flow controller with rate-of-flow indication or flow control valves with indicators		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 290, SubChapter F 290.111(e)		
Description:	Failure to properly complete Surface Water Monthly Operating Reports.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to ensure the good working condition of the system's facilities and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)		
Description:	Failure to ensure the good working condition of the system's facilities and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(5)		
Description:	Failure to provide a flow meter to measure the amount of treated water used to backwash the filters.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(j)		
Description:	Failure to provide ANSI/NSF certificate for ammonia used.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(4)(B)		
Description:	Failure to correctly complete the SWMOR.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(5)		
Description:	Failure to seal the top of the polymer and caustic solution containers.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)(A)		
Description:	Failure to seal an opening on the top of the ground storage tank.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(v)		
Description:	Failure to have electrical wires in conduit.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(e)(3)(D)		
Description:	Failure to provide a working scale for one of the chlorine cylinders.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
Description:	Failure to record the amount of chemicals used each day.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(13)(A)		
Description:	Failure to identify water lines using a consistent color code.		
Date	08/23/2007 (568289)		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.42(d)(11)(C)(iii)(II)		
Description:	Failure to maintain a high rate dual media filter with the appropriate level of anthracite.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(m)(1)		
Description:	Failure to ensure the good working condition of the system's facilities and equipment.		
Self Report?	NO	Classification	Minor
Citation:	30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(i)(II)		
Description:	Failure to record the amount of chemicals used each day.		
Self Report?	NO	Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)		

Rqmt Prov: PERMIT OpR, No. 11(f)
 Description: Failure to maintain management records for all sludge removed from any wastewater treatment process.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(B)(v)
 Description: Failure to maintain records of the raw and treated water flow meter calibrations.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(A)(iii)
 Description: Failure to calibrate the on-line pH meter at least once every 30 days.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(C)(ii)
 Description: Failure to calibrate the continuous disinfectant residual analyzers at least once every 90 days using chlorine solutions of known concentrations.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(C)
 Description: Failure to have signed copies of the monthly operating report.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(3)(A)(iv)
 Description: Failure to record the dates the dead-end mains are flushed.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter F 290.111(c)(2)(A)
 Description: Failure to monitor the combined effluent turbidity at least every four hours that the system serves the public.
 Self Report? NO Classification Minor
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(s)(2)(B)(iv)
 Description: Failure to verify the calibration of the IFE turbidimeters at least once per week.
 Self Report? NO Classification Moderate
 Citation: 30 TAC Chapter 290, SubChapter D 290.46(f)(4)(B)
 Description: Failure to submit reports containing all the information required by the drinking water standards and the results of any special monitoring tests which have been required

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 ROSE CITY
RN102676269

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2007-1817-MLM-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Rose City ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. 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 water treatment plant and public water supply located at the intersection of Rose City Drive and Old Highway 90 in Orange County, Texas (the "Facility") that has approximately 231 service connections and serves at least 25 people per day for at least 60 days per year.
2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
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 November 6, 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 Nine Thousand Two Hundred Thirty Dollars (\$9,230) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Seven Thousand Three Hundred Eighty-Four Dollars (\$7,384) of the administrative penalty and One Thousand Eight Hundred Forty-Six Dollars (\$1,846) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to dispose of water treatment sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment sludge, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014595001, Sludge Provisions, as documented during an investigation conducted on September 7, 2007. Specifically, on April 21, 2007, the City disposed of approximately 340 cubic yards of water treatment sludge at an unauthorized site.
2. Failed to submit annual sludge reports to the TCEQ by September 1 of each year, in violation of 30 TEX. ADMIN. CODE §§ 305.125(17) and 312.123 and TPDES Permit No. WQ0014595001, Sludge Provisions, Section I.E., as documented during an investigation conducted on September 7, 2007. Specifically, the City has not submitted an annual sludge report for the 2007 reporting period.
3. Failed to submit discharge monitoring reports ("DMR") for the months of November and December 2005, in violation of 30 TEX. ADMIN. CODE § 319.7(c) and TPDES Permit No.

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WQ0014595001, Monitoring and Reporting Requirements No. 1., as documented during an investigation conducted on September 7, 2007.

4. Failed to properly operate and maintain all systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 1., as documented during an investigation conducted on September 7, 2007. Specifically, dense vegetation covers approximately 90 percent of the backwash/sludge blow down reservoir which reduces the mean resident time for settling sediment.
5. Failed to comply with all provisions of 30 TEX. ADMIN. CODE ch. 312 concerning water treatment sludge use and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0014595001, Operational Requirements No. 2., as documented during an investigation conducted on September 7, 2007. Specifically, the sludge transporter hired by the City to transport water treatment sludge did not hold a sludge transporter registration.
6. Failed to provide a suitable air gap at the filter to the waste connection, in violation of 30 TEX. ADMIN. CODE § 290.42(d)(2)(E), as documented during an investigation conducted on September 7, 2007. Specifically, the recently constructed filter to waste connection, serving the potable water plant, is subject to submergence because the discharge point of the filter to waste line into the reservoir is at or below the reservoir discharge point and is located entirely below the top of the levee.

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 Rose City, Docket No. 2007-1817-MLM-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:
 - a. Immediately upon the effective date of this Agreed Order, cease improper disposal of water treatment sludge and use of unregistered sludge transporters;

1. The first part of the document discusses the importance of maintaining accurate records of all transactions. This is essential for ensuring the integrity of the financial statements and for providing a clear audit trail. The records should be kept up-to-date and should be accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling any discrepancies or errors that may arise. It is important to identify the cause of the error and to take appropriate steps to correct it. This may involve adjusting the records and notifying the relevant parties.

3. The third part of the document discusses the role of the auditor in verifying the accuracy of the records. The auditor should conduct a thorough review of the records and should report any findings to the management. This is a critical part of the audit process and is essential for ensuring the reliability of the financial statements.

4. The fourth part of the document outlines the responsibilities of the management in ensuring the accuracy of the records. Management should ensure that all transactions are recorded correctly and that the records are kept up-to-date. This is a key responsibility of the management and is essential for the success of the organization.

5. The fifth part of the document discusses the importance of transparency and accountability in the financial reporting process. Management should be open and honest in reporting the results of the organization and should take responsibility for any errors or discrepancies. This is essential for building trust with the stakeholders and for ensuring the long-term success of the organization.

6. The sixth part of the document outlines the conclusions of the audit and the recommendations for improving the financial reporting process. The auditor should provide a clear and concise report of the findings and should recommend any necessary changes to the records and procedures.

- b. Within 30 days after the effective date of this Agreed Order, submit the annual sludge report for the 2007 reporting period and the DMR reports for November and December 2005 to the addresses show below in Ordering Provision No. 2.d.;
- c. Within 60 days after the effective date of this Agreed Order:
 - i. Remove, properly transport, and dispose of all water treatment sludge disposed of by the City at the ACR-LP location;
 - ii. Develop and implement standard operating procedures for properly disposing of water treatment sludge at a TCEQ registered or permitted land application site, commercial land application site, or co-disposal landfill authorized to accept water treatment sludge by a registered transporter;
 - iii. Remove and properly dispose of excessive vegetation from the backwash/sludge blow down reservoir; and
 - iv. Raise the filter to waste connection, serving the potable water plant, above the discharge point of the reservoir so it is not subject to submergence; and
- d. Within 75 days after the effective date of this Agreed Order, submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a. through 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

"I certify under penalty of law that I have personally examined and am familiar with the information submitted and all attached documents, and that based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the submitted information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

The certification shall be submitted to:

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

with a copy to:

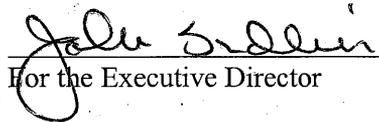
Water Section, Manager
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
7. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
8. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission



For the Executive Director

6/2/2008

Date

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

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

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

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



Signature

1/17/08

Date

DAVID E BUSH

Name (Printed or typed)
Authorized Representative of
City of Rose City

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.

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