

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

Page 1 of 2

**DOCKET NO.:** 2007-1933-MWD-E **TCEQ ID:** RN101918431 **CASE NO.:** 35059**RESPONDENT NAME:** City of Glen Rose

<b>ORDER TYPE:</b>		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" 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	
<b>CASE TYPE:</b>		
<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><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Glen Rose Wastewater Treatment Facility, located at the crossing of Van Zandt Branch and U. S. Highway 67 on the north side of U. S. Highway 67 (Big Bend Trail N.E.) and approximately 2,000 feet northeast of the intersection of U. S. Highway 67 and State Highway 144 (Bernard Street), Somervell County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on June 23, 2008. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Harvey Wilson, Enforcement Division, Enforcement Team 3, MC 149, (512) 239-0321; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171  <b>Respondent:</b> The Honorable Pam Miller, Mayor, City of Glen Rose, P. O. Box 87, Glen Rose, Texas 76043  Mr. Darrell Webb, Fire Marshal and Wastewater Supervisor, City of Glen Rose, P. O. Box 87, Glen Rose, Texas 76043  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:		
VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> October 23, 2007</p> <p><b>Date of NOV/NOE Relating to this Case:</b> November 19, 2007 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>Failure to comply with the permit effluent limits for ammonia nitrogen [Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10177001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a)].</p>	<p><b>Total Assessed:</b> \$1,990</p> <p><b>Total Deferred:</b> \$0  <input type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$1,990</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p> <p><b>Findings Orders Justification:</b> The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require to Respondent to, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10177001, including specific corrective actions that were implemented to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): Permit No. 10177001



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision September 19, 2007

<b>DATES</b>	<b>Assigned</b>	26-Nov-2007
	<b>PCW</b>	7-Dec-2007
	<b>Screening</b>	4-Dec-2007
	<b>EPA Due</b>	

<b>RESPONDENT/FACILITY INFORMATION</b>	
<b>Respondent</b>	City of Glen Rose
<b>Reg. Ent. Ref. No.</b>	RN101918431
<b>Facility/Site Region</b>	4-Dallas/Fort Worth
<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	35059	<b>No. of Violations</b>	1
<b>Docket No.</b>	2007-1933-MWD-E	<b>Order Type</b>	Findings
<b>Media Program(s)</b>	Water Quality	<b>Enf. Coordinator</b>	Harvey Wilson
<b>Multi-Media</b>		<b>EC's Team</b>	Enforcement Team 3
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

## 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** **Subtotals 2, 3, & 7**

99% Enhancement

Notes

An enhancement is recommended because the Respondent has received one 1660 Agreed Order with denial, 13 self-reported effluent violations, two NOV's for the same or similar violations, and two NOV's for violations that were not same or similar 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 EDPRP/Settlement Offer

Extraordinary		
Ordinary		
N/A	X	(mark with x)

Notes

The Respondent does not meet the good faith criteria.

Total EB Amounts	\$183
Approx. Cost of Compliance	\$3,000

0% Enhancement\*

\*Capped at the Total EB \$ Amount

**Subtotal 6**

**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**

0%

Reduction **Adjustment**

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

Notes

No deferral is recommended for Findings Orders.

**PAYABLE PENALTY**

**Screening Date** 4-Dec-2007

**Docket No.** 2007-1933-MWD-E

**PCW**

**Respondent** City of Glen Rose

Policy Revision 2 (September 2002)

**Case ID No.** 35059

PCW Revision September 19, 2007

**Reg. Ent. Reference No.** RN101918431

**Media [Statute]** Water Quality

**Enf. Coordinator** Harvey Wilson

**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)	15	75%
	Other written NOVs	2	4%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

**Adjustment Percentage (Subtotal 2)** 99%

>> **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 because the Respondent has received one 1660 Agreed Order with denial, 13 self-reported effluent violations, two NOVs for the same or similar violations, and two NOVs for violations that were not same or similar within the past five years.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 99%

<b>Screening Date</b> 4-Dec-2007	<b>Docket No.</b> 2007-1933-MWD-E	<b>PCW</b>	
<b>Respondent</b> City of Glen Rose		<small>Policy Revision 2 (September 2002)</small>	
<b>Case ID No.</b> 35059		<small>PCW Revision September 19, 2007</small>	
<b>Reg. Ent. Reference No.</b> RN101918431			
<b>Media [Statute]</b> Water Quality			
<b>Enf. Coordinator</b> Harvey Wilson			
<b>Violation Number</b> <input type="text" value="1"/>			
<b>Rule Cite(s)</b>	Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10177001, Effluent Limitations and Monitoring Requirements No. 1, 30 Tex. Admin. Code § 305.125(1), and Tex. Water Code § 26.121(a)		
<b>Violation Description</b>	Failed to comply with the permit effluent limits as indicated in the attached effluent violations table.		
	<b>Base Penalty</b>	<input type="text" value="\$10,000"/>	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>			
OR	<b>Release</b>	<b>Harm</b>	
		Major    Moderate    Minor	
	Actual	<input type="text"/> <input type="text"/> <input checked="" type="text" value="x"/>	<b>Percent</b> <input type="text" value="10%"/>
	Potential	<input type="text"/> <input type="text"/> <input type="text"/>	
<b>&gt;&gt; Programmatic Matrix</b>			
	Falsification	Major    Moderate    Minor	
	<input type="text"/>	<input type="text"/> <input type="text"/> <input type="text"/>	<b>Percent</b> <input type="text" value="0%"/>
<b>Matrix Notes</b>	A simplified model was used to evaluate biochemical oxygen demand and ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Total flow was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors.		
	<b>Adjustment</b>	<input type="text" value="\$9,000"/>	
		<input type="text" value="\$1,000"/>	
<b>Violation Events</b>			
	Number of Violation Events	<input type="text" value="1"/>	Number of violation days
		<input type="text" value="61"/>	
<small>mark only one with an x</small>	daily	<input type="text"/>	<b>Violation Base Penalty</b> <input type="text" value="\$1,000"/>
	monthly	<input type="text"/>	
	quarterly	<input checked="" type="text" value="x"/>	
	semiannual	<input type="text"/>	
	annual	<input type="text"/>	
	single event	<input type="text"/>	
	One quarterly event is recommended.		
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>	
Estimated EB Amount	<input type="text" value="\$142"/>	Violation Final Penalty Total	<input type="text" value="\$1,990"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$1,990"/>

## Economic Benefit Worksheet

**Respondent** City of Glen Rose  
**Case ID No.** 35059  
**Reg. Ent. Reference No.** RN101918431  
**Media** Water Quality  
**Violation No.** 1

<b>Percent Interest</b>	<b>Years of Depreciation</b>
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)	\$2,000	1-Apr-2007	30-Aug-2008	1.4	\$142	n/a	\$142

**Notes for DELAYED costs**

The estimated cost of additional oversight and sampling which could have reduced or alleviated the exceedances. The Date Required is the day the noncompliance began. The Final Date is the estimated 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

\$2,000

**TOTAL**

\$142

City of Glen Rose  
Docket No. 2007-1933-MWD-E  
RN101918431  
TPDES Permit No. 100177001  
Effluent Violation Table

Month/Year	Total Ammonia Nitrogen, Daily Avg, limit 15 lbs/day	Total Ammonia Nitrogen, Daily Avg, limit 3 mg/L	Total Ammonia Nitrogen, Daily Maximum, limit 10 mg/L
April, 2007	17.1	5.7	12.3
May, 2007	20.4	6.8	27.9

Avg = average

lbs/day = pounds per day

mg/L = milligrams per Liter



# Compliance History

Customer/Respondent/Owner-Operator:	CN600626857	City of Glen Rose	Classification: AVERAGE	Rating: 1.54
Regulated Entity:	RN101918431	CITY OF GLEN ROSE	Classification: AVERAGE	Site Rating: 1.54
ID Number(s):	WASTEWATER	PERMIT		WQ0010177001
	WASTEWATER	PERMIT		TPDES0033316
	WASTEWATER	PERMIT		TX0033316
	WASTEWATER	EPA ID		TX0033316
	WASTEWATER LICENSING	LICENSE		WQ0010177001
Location:	located at the crossing of Van Zandt Branch and U.S. Highway 67 on the north side of U.S. Highway 67 (Big Bend Trail N.E.) and approximately 2,000 feet northeast of the intersection of U.S. Highway 67 and State Highway 144 (Bernard Street) in Somervell County, TX		Rating Date: 9/1/2007	Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	December 03, 2007			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	December 03, 2002 to December 03, 2007			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name:	Harvey Wilson	Phone:	239-0321	

## 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: 01/26/2006  | ADMINORDER 2003-0400-MWD-E |
| Classification: Moderate  |                            |
| Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)(1)<br>30 TAC Chapter 305, SubChapter F 305.125(1) |                            |
| Rqmt Prov: Eff. Limitations & Mon. Req. No. 1 & 2 PERMIT  |                            |
| Description: Failure to comply with its permitted effluent limits                                     |                            |
- B. Any criminal convictions of the state of Texas and the federal government.  
N/A
- C. Chronic excessive emissions events.  
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
- |    |            |                   |
|----|------------|-------------------|
| 1  | 12/20/2002 | (IE0018885001001) |
| 2  | 12/20/2002 | (179233)          |
| 3  | 01/13/2003 | (179236)          |
| 4  | 01/13/2003 | (179240)          |
| 5  | 02/20/2003 | (179201)          |
| 6  | 03/27/2003 | (24641)           |
| 7  | 04/25/2003 | (179209)          |
| 8  | 04/25/2003 | (179204)          |
| 9  | 05/23/2003 | (179213)          |
| 10 | 07/18/2003 | (144201)          |
| 11 | 07/24/2003 | (304295)          |
| 12 | 10/16/2003 | (304302)          |

13	10/16/2003	(304306)
14	11/14/2003	(304308)
15	12/05/2003	(304300)
16	12/10/2003	(304309)
17	01/09/2004	(304311)
18	02/11/2004	(304288)
19	02/23/2004	(262459)
20	03/08/2004	(304290)
21	03/24/2004	(152405)
22	03/30/2004	(267318)
23	04/12/2004	(304291)
24	05/10/2004	(304293)
25	06/14/2004	(304296)
26	07/09/2004	(304298)
27	08/09/2004	(355711)
28	09/13/2004	(355712)
29	10/08/2004	(355713)
30	12/10/2004	(355714)
31	12/10/2004	(355715)
32	01/07/2005	(383851)
33	02/04/2005	(383849)
34	03/07/2005	(383850)
35	04/11/2005	(421786)
36	04/21/2005	(375958)
37	05/16/2005	(421787)
38	06/13/2005	(421788)
39	07/20/2005	(442689)
40	07/26/2005	(401901)
41	09/06/2005	(442690)
42	09/15/2005	(442691)
43	10/24/2005	(442692)
44	11/21/2005	(471984)
45	12/19/2005	(471985)
46	01/19/2006	(471986)
47	02/21/2006	(471983)
48	03/24/2006	(500425)
49	04/26/2006	(500426)
50	05/25/2006	(500427)
51	06/09/2006	(500428)
52	07/21/2006	(522533)
53	09/11/2006	(522534)
54	09/21/2006	(522535)
55	10/19/2006	(522536)
56	11/20/2006	(547224)
57	12/20/2006	(547225)
58	01/18/2007	(547226)
59	02/22/2007	(547223)
60	03/23/2007	(579796)
61	04/24/2007	(579797)
62	05/25/2007	(579798)
63	06/25/2007	(579799)
64	07/18/2007	(567149)
65	07/25/2007	(579800)
66	08/24/2007	(607974)
67	09/25/2007	(607975)
68	10/26/2007	(607976)
69	11/19/2007	(595194)

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

Date: 12/31/2002 (179240)

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:	01/31/2003	(179201)		
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:	02/28/2003	(179204)		
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:	03/26/2003	(24641)		
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with NH3N and min Cl2 limit			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to comply with NH3N, TSS, CBOD limits			
Self Report?	NO		Classification	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	Failure to report			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.6 30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)			
Description:	Failure to keep calibration log			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.7(a) 30 TAC Chapter 319, SubChapter A 319.7(c)			
Description:	Failure to keep temperature log or have thermometer			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1)			
Description:	failure to calibrate flow meter			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
Description:	Failure to seal previous discharge pipe.			
Date:	05/31/2003	(304295)		
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:	07/31/2003	(304300)		
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:	10/06/2003	(152405)		
Self Report?	NO		Classification	Moderate
Citation:	2D TWC Chapter 26, SubChapter A 26.039(b)			
Description:	Failure to submit noncompliance forms			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 319, SubChapter A 319.11(e)			
Description:	Failure to keep temperature log for refrigerator			
Self Report?	NO		Classification	Minor
Citation:	30 TAC Chapter 305, SubChapter F 305.125(5)			
Description:	Failure to seal leaking pipe.			
Date:	12/31/2003	(304311)		
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:	01/31/2004	(304288)		
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: 02/29/2004 (304290)  
 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: 04/22/2005 (375958)  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to meet the permit limit for Cl2 minimum.  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to properly calibrate the flow meter.  
 Date: 06/30/2005 (442689)  
 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: 10/31/2005 (471984)  
 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: 03/31/2006 (500426)  
 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: 04/30/2007 (579798)  
 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 (579799)  
 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: 07/17/2007 (567149)  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to properly maintain the bar screens.  
 Self Report? NO Classification Minor  
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)  
 Description: Failure to provide vector control.

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 GLEN ROSE  
RN101918431**

§  
§  
§  
§  
§

**BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY**

## **AGREED ORDER DOCKET NO. 2007-1933-MWD-E**

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 Glen Rose ("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 presented this agreement to the Commission.

The City understands that it has certain procedural rights at certain points in the enforcement process, including, but not limited to, the right to formal notice of violations, notice of an evidentiary hearing, the right to an evidentiary hearing, and a right to appeal. By entering into this Agreed Order, the City agrees to waive all notice and procedural rights.

It is further understood and agreed that this Order represents the complete and fully-integrated settlement of the parties. 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. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

The Commission makes the following Findings of Fact and Conclusions of Law:

### **I. FINDINGS OF FACT**

1. The City owns and operates a wastewater treatment facility located at the crossing of Van Zandt Branch and U. S. Highway 67 on the north side of U. S. Highway 67 (Big Bend Trail N.E.) and approximately 2,000 feet northeast of the intersection of U. S. Highway 67 and State Highway 144 (Bernard Street) in Somervell County, Texas (the "Facility").



- The City has discharged sewage into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
- During a record review on October 23, 2007, TCEQ staff documented the City had exceeded the permitted effluent limits as indicated in the table below:

Month/Year	Total Ammonia Nitrogen, Daily Avg, limit 15 lbs/day	Total Ammonia Nitrogen, Daily Avg, limit 3 mg/L	Total Ammonia Nitrogen, Daily Maximum, limit 10 mg/L
April, 2007	17.1	5.7	12.3
May, 2007	20.4	6.8	27.9

Avg = average      lbs/day = pounds per day      mg/L = milligrams per Liter

- The City received notice of the violations on or about November 24, 2007.

## II. CONCLUSIONS OF LAW

- The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 7 and 26 and the rules of the Commission.
- As evidenced by Findings of Fact No. 3, the City failed to comply with the permit effluent limits in violation of Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 10177001, Effluent Limitations and Monitoring Requirements No. 1, 30 TEX. ADMIN. CODE § 305.125(1), and TEX. WATER CODE § 26.121(a).
- Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
- An administrative penalty in the amount of One Thousand Nine Hundred Ninety Dollars (\$1,990) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The City has paid the One Thousand Nine Hundred Ninety Dollar (\$1,990) administrative penalty.

## III. ORDERING PROVISIONS

NOW, THEREFORE, THE TEXAS COMMISSION ON ENVIRONMENTAL QUALITY ORDERS that:

- The City is assessed an administrative penalty in the amount of One Thousand Nine Hundred Ninety Dollars (\$1,990) as set forth in Section II, Paragraph 4 above, for violations of TCEQ rules and state statutes. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations

1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that this is crucial for ensuring transparency and accountability in the organization's operations.

2. The second part of the document outlines the various methods and tools used to collect and analyze data. It highlights the need for consistent and reliable data collection processes to support effective decision-making.

3. The third part of the document focuses on the role of technology in data management and analysis. It discusses how modern software solutions can streamline data collection, storage, and reporting, thereby improving efficiency and accuracy.

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and integration. It provides strategies to overcome these challenges and ensure the integrity and availability of data.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of a data-driven approach in achieving organizational goals and maximizing performance.

6. The sixth part of the document provides a detailed overview of the data collection process, including the identification of data sources, the design of data collection instruments, and the implementation of data collection procedures.

7. The seventh part of the document discusses the various methods used for data analysis, such as descriptive statistics, inferential statistics, and regression analysis. It explains how these methods are used to interpret the data and draw meaningful conclusions.

8. The eighth part of the document focuses on the importance of data security and privacy. It outlines the measures that should be taken to protect sensitive data from unauthorized access and ensure compliance with relevant regulations.

9. The ninth part of the document discusses the role of data in strategic planning and decision-making. It highlights how data can provide valuable insights into market trends, customer behavior, and operational performance.

10. The tenth part of the document provides a final summary and concludes the report. It reiterates the key points discussed throughout the document and offers final thoughts on the importance of data in the modern business environment.

set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Glen Rose, Docket No. 2007-1933-MWD-E" to:

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

2. It is further ordered that the City shall, within 60 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. 10177001, including specific corrective actions that were implemented to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

Water Section Manager  
Dallas/Fort Worth Regional Office  
Texas Commission on Environmental Quality  
2301 Gravel Drive  
Fort Worth, Texas 76118-6951



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. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. 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.
8. 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.
9. 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.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.



**SIGNATURE PAGE**

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

\_\_\_\_\_  
For the Commission

  
\_\_\_\_\_  
For the Executive Director

6/18/08  
Date

I, the undersigned, have read and understand the attached Agreed Order in the matter of the City of Glen Rose. I am authorized to agree to the attached Agreed Order on behalf of the City of Glen Rose, and do agree to the specified terms and conditions. I further acknowledge that the TCEQ, in accepting payment for the penalty amount, is materially relying on such representation.

I understand that by entering into this Agreed Order, the City of Glen Rose waives certain procedural rights, including, but not limited to, the right to formal notice of violations addressed by this Agreed Order, notice of an evidentiary hearing, the right to an evidentiary hearing, and the right to appeal. I agree to the terms of the Agreed Order in lieu of an evidentiary hearing. This Agreed Order constitutes full and final adjudication by the Commission of the violations set forth in this Agreed Order.

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

4-10-2008  
Date

Darrell Webb  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Glen Rose

Fire Marshal/W/water  
\_\_\_\_\_  
Title  
Supervisor

**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.

