

CAPTION: Docket No. 2008-0587-MWD-E. Consideration of an Agreed Order assessing administrative penalties against the City of McGregor in McLennan County; RN101609220; for water quality violations pursuant to Tex. Water Code chs. 7 and 26 and the rules of the Texas Commission on Environmental Quality, including specifically 30 Texas Administrative Code ch. 60. (Heather Brister, Bryan Sinclair)

EXECUTIVE SUMMARY - ENFORCEMENT MATTER Page 1 of 2
DOCKET NO.: 2008-0587-MWD-E **TCEQ ID:** RN101609220 **CASE NO.:** 35690
RESPONDENT NAME: City of McGregor

ORDER TYPE:		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
CASE TYPE:		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: South Plant, located adjacent to and west of State Highway 317, approximately 2 miles south of the intersection of U.S. Highway 84 and State Highway 317 in McGregor, McLennan County</p> <p>TYPE OF OPERATION: Wastewater treatment plant</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 August 18, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: Mr. Dennis McDuffie, City Manager, City of McGregor, P.O. Box 192, McGregor, Texas 76657 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: January 28, 2008</p> <p>Date of NOV/NOE Relating to this Case: February 19, 2008 (NOE)</p> <p>Background Facts: This was a routine record review.</p> <p>WATER</p> <p>1) Failure to comply with permit effluent limits for total suspended solids [TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010219002, Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010219002, Sludge Provisions].</p>	<p>Total Assessed: \$3,507</p> <p>Total Deferred: \$701 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid to General Revenue: \$2,806</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at the Facility:</p> <p>a. By May 1, 2007, obtained compliance with their permitted effluent limits by replacing two sludge pumps and repairing two rotors; and</p> <p>b. Submitted their annual sludge report for the monitoring period ending July 31, 2007 on February 28, 2008.</p>

Additional ID No(s): WQ0010219002



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

TCEQ

DATES	Assigned	10-Mar-2008	Screening	8-Apr-2008	EPA Due	
	PCW	8-Apr-2008				

RESPONDENT/FACILITY INFORMATION			
Respondent	City of McGregor		
Reg. Ent. Ref. No.	RN101609220		
Facility/Site Region	9-Waco	Major/Minor Source	Minor

CASE INFORMATION				
Enf./Case ID No.	35690	No. of Violations	2	
Docket No.	2008-0587-MWD-E	Order Type	1660	
Media Program(s)	Water Quality	Enf. Coordinator	Heather Brister	
Multi-Media		EC's Team	Enforcement Team 1	
Admin. Penalty \$	Limit Minimum	\$0	Maximum	\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties)	Subtotal 1	\$2,100
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	77% Enhancement	Subtotals 2, 3, & 7	\$1,617
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Notes: The Respondent self-reported 12 months of effluent violations, received three Notices of Violations ("NOVs") for violations that are considered same or similar, and received one NOV for violations that are considered not same or similar.

Culpability	No	0% Enhancement	Subtotal 4	\$0
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Notes: The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply	10% Reduction	Subtotal 5	\$210
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Before NOV NOV to EDP RP/Settlement Offer

Extraordinary	
Ordinary	X
N/A	(mark with x)

Notes: The Respondent came into compliance on February 28, 2008.

0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$251	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$15,100	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$3,507
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	Adjustment	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

Final Penalty Amount	\$3,507
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$3,507
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DEFERRAL	20% Reduction	Adjustment	-\$701
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

PAYABLE PENALTY	\$2,806
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Screening Date 8-Apr-2008

Docket No. 2008-0587-MWD-E

PCW

Respondent City of McGregor

Policy Revision 2 (September 2002)

Case ID No. 35690

PCW Revision February 29, 2008

Reg. Ent. Reference No. RN101609220

Media [Statute] Water Quality

Enf. Coordinator Heather Brister

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>)	15	75%
	Other written NOVs	1	2%
Orders	Any agreed final enforcement orders containing a denial of liability (<i>number of orders meeting criteria</i>)	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (<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%
<i>Please Enter Yes or No</i>			
Other	Environmental management systems in place for one year or more	No	0%
	Voluntary on-site compliance assessments conducted by the executive director under a special assistance program	No	0%
	Participation in a voluntary pollution reduction program	No	0%
	Early compliance with, or offer of a product that meets future state or federal government environmental requirements	No	0%

Adjustment Percentage (Subtotal 2) 77%

>> Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

>> Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 12 months of effluent violations, received three Notices of Violations ("NOVs") for violations that are considered same or similar, and received one NOV for violations that are considered not same or similar.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 77%

Screening Date	8-Apr-2008	Docket No.	2008-0587-MWD-E	PCW
Respondent	City of McGregor	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35690	<i>PCW Revision February 29, 2008</i>		
Reg. Ent. Reference No.	RN101609220			
Media [Statute]	Water Quality			
Enf. Coordinator	Heather Brister			
Violation Number	1			
Rule Cite(s)	Tex. Water Code § 26.121(a)(1), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010219002, Effluent Limitations and Monitoring Requirements No. 1			
Violation Description	Failed to comply with permit effluent limits, as documented during a record review conducted on January 28, 2008. See attached table.			

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent <input type="text" value="0%"/>
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	

Matrix Notes
Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.

Adjustment

Violation Events

Number of Violation Events Number of violation days

<i>mark only one with an x</i>	daily	<input type="text"/>
	monthly	<input type="text"/>
	quarterly	<input checked="" type="checkbox"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
	single event	<input type="text"/>

Violation Base Penalty

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount

Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent: City of McGregor
 Case ID No. 35690
 Reg. Ent. Reference No. RN101609220
 Media Water Quality
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
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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)	\$15,000	31-Dec-2006	1-May-2007	0.3	\$249	n/a	\$249

Notes for DELAYED costs: Estimated cost to replace two sludge pumps and to repair two broken rotors. Date Required is the initial month of noncompliance. Final Date is the date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs:

Approx. Cost of Compliance	\$15,000	TOTAL	\$249
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Screening Date 8-Apr-2008	Docket No. 2008-0587-MWD-E	PCW		
Respondent City of McGregor	<i>Policy Revision 2 (September 2002)</i>			
Case ID No. 35690	<i>PCW Revision February 29, 2008</i>			
Reg. Ent. Reference No. RN101609220				
Media [Statute] Water Quality				
Enf. Coordinator Heather Brister				
Violation Number <input type="text" value="2"/>				
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010219002, Sludge Provisions			
Violation Description	Failed to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, as documented during a record review conducted on January 28, 2008.			
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"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
>> Programmatic Matrix				
	Falsification	Major	Moderate	Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
				Percent <input type="text" value="1%"/>
Matrix Notes	At least 70% of the rule requirement was met.			
Adjustment				<input type="text" value="\$9,900"/>
				<input type="text" value="\$100"/>
Violation Events				
Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="180"/>		
<i>mark only one with an x</i>	daily	<input type="text"/>		
	monthly	<input type="text"/>		
	quarterly	<input type="text"/>		
	semiannual	<input type="text"/>		
	annual	<input type="text"/>		
	single event	<input checked="" type="checkbox"/>		
				Violation Base Penalty <input type="text" value="\$100"/>
One single event is recommended.				
Economic Benefit (EB) for this violation			Statutory Limit Test	
Estimated EB Amount <input type="text" value="\$2"/>			Violation Final Penalty Total <input type="text" value="\$167"/>	
			This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$167"/>	

Economic Benefit Worksheet

Respondent City of McGregor
 Case ID No. 35690
 Reg. Ent. Reference No. RN101609220
 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	28-Feb-2008	0.5	\$2	n/a	\$2

Notes for DELAYED costs: The delayed cost includes the estimated amount required to submit the annual sludge report to the Enforcement Division, calculated from the date of noncompliance to the 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 \$2

Effluent Limit Violation Table

table rev.

Respondent	City of McGregor		
ID Number(s)	WQ0010219002		
Docket Number	2008-0587-MWD-E		
Enf. Coordinator	Heather Brister		
Corresponds to Violation Number:	1		

<i>EFFLUENT PARAMETER</i>			
<i>Permit Limit</i>			
	Total Suspended Solids Daily Average Loading 124 Pounds per Day	Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	Total Suspended Solids Daily Maximum 40 Milligrams per Liter
<i>Month/Year</i>			
Dec-06	c	21.10	c
Apr-07	229.75	21.12	70.00

c = compliant

Compliance History

Customer/Respondent/Owner-Operator: CN600755631 CITY OF MCGREGOR Classification: AVERAGRating: 2.60
 Regulated Entity: RN101609220 SOUTH PLANT Classification: AVERAG Site Rating: 0.98

ID Number(s):	WASTEWATER	PERMIT	WQ0010219002
	WASTEWATER	PERMIT	TPDES0023914
	WASTEWATER	PERMIT	TX0023914
	WATER QUALITY NON PERMITTED	ID NUMBER	090100539
	WASTEWATER LICENSING	LICENSE	WQ0010219002

Location: Located adjacent to and west of State Highway 317, approximately 2 miles south of the intersection of U.S. Highway 84 and State Highway 317 in McLennan County, Texas. Rating Date: September 01 07
 Repeat Violator: NO

TCEQ Region: REGION 09 - WACO
 Date Compliance History Prepared: April 07, 2008
 Agency Decision Requiring Compliance History: Enforcement
 Compliance Period: April 07, 2003 to April 07, 2008
 TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
 Name: Heather Brister Phone: (254) 761-3048

Site Compliance History Components

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

Components (Multimedia) for the Site :

- | | |
|--|-----|
| A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government. | N/A |
| B. Any criminal convictions of the state of Texas and the federal government. | N/A |
| C. Chronic excessive emissions events. | N/A |
| D. The approval dates of investigations. (CCEDS Inv. Track. No.) | |
| 1 04/09/2003 (31755) | |
| 2 04/24/2003 (168810) | |
| 3 05/24/2003 (168814) | |
| 4 05/27/2003 (168822) | |
| 5 06/27/2003 (168818) | |
| 6 08/20/2003 (299900) | |
| 7 09/04/2003 (299892) | |
| 8 09/25/2003 (299895) | |
| 9 12/03/2003 (299898) | |
| 10 01/28/2004 (299899) | |
| 11 02/09/2004 (299893) | |
| 12 02/09/2004 (299897) | |
| 13 02/20/2004 (299882) | |
| 14 03/30/2004 (299884) | |
| 15 04/29/2004 (299885) | |
| 16 05/24/2004 (299887) | |
| 17 06/24/2004 (299889) | |
| 18 09/10/2004 (353936) | |
| 19 09/27/2004 (353937) | |
| 20 10/21/2004 (353938) | |
| 21 03/04/2005 (382874) | |
| 22 03/04/2005 (382875) | |
| 23 03/04/2005 (382876) | |
| 24 04/01/2005 (382873) | |
| 25 04/28/2005 (577729) | |
| 26 04/28/2005 (577732) | |
| 27 06/14/2005 (635951) | |

28 06/27/2005 (577735)
 29 06/27/2005 (577738)
 30 07/22/2005 (577741)
 31 12/29/2005 (577753)
 32 01/24/2006 (635950)
 33 02/06/2006 (577746)
 34 02/06/2006 (577748)
 35 02/06/2006 (577750)
 36 02/06/2006 (577752)
 37 02/06/2006 (577754)
 38 02/06/2006 (577744)
 39 03/24/2006 (577727)
 40 03/24/2006 (577730)
 41 05/16/2006 (577733)
 42 06/22/2006 (577736)
 43 07/10/2006 (577739)
 44 08/31/2006 (577742)
 45 09/28/2006 (577747)
 46 10/23/2006 (577749)
 47 12/29/2006 (577751)
 48 01/15/2007 (534083)
 49 01/22/2007 (577745)
 50 02/23/2007 (577728)
 51 03/19/2007 (577734)
 52 03/21/2007 (577755)
 53 03/22/2007 (577731)
 54 05/22/2007 (577737)
 55 07/22/2007 (607828)
 56 07/22/2007 (607829)
 57 08/13/2007 (577740)
 58 08/13/2007 (577743)
 59 08/24/2007 (607825)
 60 09/26/2007 (607827)
 61 11/20/2007 (620457)
 62 01/07/2008 (620458)
 63 02/29/2008 (619076)
 64 03/04/2008 (616141)

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

Date: **04/30/2003** (168814)
 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** (299884)
 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: **03/31/2004** (299885)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: **06/30/2004** (353936)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date:	09/30/2004	(353938)	Classification:	Moderate
Self Report?	YES			
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:	11/30/2004	(382875)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	12/31/2004	(382876)	Classification:	Moderate
Self Report?	YES			
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:	01/31/2005	(382873)	Classification:	Moderate
Self Report?	YES			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) TWC Chapter 26 26.121(a)			
Description:	Failure to meet the limit for one or more permit parameter			
Date:	06/14/2005	(635951)	Classification:	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Date:	01/24/2006	(635950)	Classification:	Moderate
Self Report?	NO			
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			
Self Report?	NO		Classification:	Moderate
Citation:	30 TAC Chapter 305, SubChapter F 305.125(1) 30 TAC Chapter 305, SubChapter F 305.125(17)			
Description:	NON-RPT VIOS FOR MONIT PER OR PIPE			

Date: **06/07/2006** (459741)
 Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
 30 TAC Chapter 317 317.4(b)(1)
 30 TAC Chapter 317 317.4(b)(4)
 Rqmt Prov: PERMIT Operational Requirements, No. 1 Pg. 9
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Date: **08/31/2006** (577747)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: **09/30/2006** (577749)
 Self Report? YES Classification: Moderate
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 TWC Chapter 26 26.121(a)
 Description: Failure to meet the limit for one or more permit parameter

Date: **12/31/2006** (577755)
 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** (577737)
 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: **05/01/2007** (540402)
 Self Report? NO Classification: Moderate
 Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(4)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT Permit Conditions; No. 2(d) Pg. 7
 Description: Failure by the permittee to prevent the discharge and accumulation of sewer sludge in the receiving stream.

Self Report? NO Classification: Minor
 Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
 30 TAC Chapter 305, SubChapter F 305.125(5)
 Rqmt Prov: PERMIT Operational Requirements No. 1 Pg. 9
 Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

- 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 MCGREGOR
RN101609220

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER
DOCKET NO. 2008-0587-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of McGregor ("the City") under the authority of TEX. WATER CODE chs. 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City appear before the Commission and together stipulate that:

1. The City owns and operates a wastewater treatment plant located adjacent to and west of State Highway 317, approximately two miles south of the intersection of U.S. Highway 84 and State Highway 317 in McLennan County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about February 24, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Three Thousand Five Hundred Seven Dollars (\$3,507) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Two Thousand Eight Hundred Six Dollars (\$2,806) of the

administrative penalty and Seven Hundred One Dollars (\$701) 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 recognizes that the City has implemented the following corrective measures at the Facility:
 - a. By May 1, 2007, obtained compliance with their permitted effluent limits by replacing two sludge pumps and repairing two rotors; and
 - b. Submitted their annual sludge report for the monitoring period ending July 31, 2007 on February 28, 2008.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

II. ALLEGATIONS

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

1. Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a)(1), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010219002, Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on January 28, 2008 and as seen in the following table:

EFFLUENT PARAMETER			
Permit Limit			
	Total Suspended Solids Daily Average Loading 124 Pounds per Day	Total Suspended Solids Daily Average Concentration 15 Milligrams per Liter	Total Suspended Solids Daily Maximum 40 Milligrams per Liter
Month/Year			
Dec-06	c	21.10	c
Apr-07	229.75	21.12	70.00

c = compliant

- Failed to submit the annual sludge report for the monitoring period ending July 31, 2007 by September 1, 2007, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010219002, Sludge Provisions, as documented during a record review conducted on January 28, 2008.

III. DENIALS

The City generally denies each allegation in Section II ("Allegations").

IV. ORDERING PROVISIONS

- 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 McGregor, Docket No. 2008-0587-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
- 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.
- 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.
- 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.

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 easily accessible to all relevant parties.

2. The second part of the document outlines the procedures for handling cash and other assets. It is important to ensure that all cash receipts are properly recorded and that all disbursements are supported by valid documentation. Regular reconciliations should be performed to ensure that the books are in balance.

3. The third part of the document discusses the requirements for preparing financial statements. These statements should be prepared on a regular basis and should be reviewed by management before being distributed to the board of directors. The statements should be prepared in accordance with the applicable accounting standards.

4. The fourth part of the document outlines the procedures for handling payroll and other personnel matters. It is important to ensure that all payroll transactions are properly recorded and that all personnel records are maintained accurately. Regular audits should be performed to ensure compliance with applicable laws and regulations.

5. The fifth part of the document discusses the requirements for handling taxes. It is important to ensure that all tax returns are prepared accurately and filed on time. Regular consultations with a tax advisor should be conducted to ensure compliance with the latest tax laws and regulations.

6. The sixth part of the document outlines the procedures for handling investments and other financial instruments. It is important to ensure that all investments are properly recorded and that all financial instruments are valued accurately. Regular reviews should be conducted to ensure that the investments are in line with the organization's investment policy.

7. The seventh part of the document discusses the requirements for handling debt and other liabilities. It is important to ensure that all debt transactions are properly recorded and that all liabilities are valued accurately. Regular reviews should be conducted to ensure that the organization is in compliance with its debt covenants.

8. The eighth part of the document outlines the procedures for handling other financial matters. This includes the handling of grants, donations, and other non-revenue transactions. It is important to ensure that all such transactions are properly recorded and that all applicable requirements are followed.

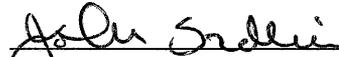
9. The ninth part of the document discusses the requirements for handling financial reporting. It is important to ensure that all financial reports are prepared accurately and that all information is disclosed in a timely and transparent manner. Regular audits should be conducted to ensure compliance with applicable laws and regulations.

5. 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

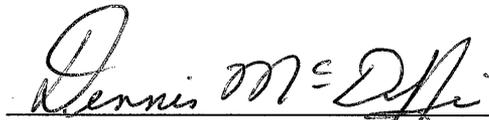
8/4/2008
Date

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

8/2/08
Date

Dennis McDuffie

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

CITY MANAGER

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.

