

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0533-MWD-E TCEQ ID: RN101613644 CASE NO.: 35681

RESPONDENT NAME: City of Orange

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: Jackson Street Plant, 402 South 10th Street, between Jackson Street and Polk Avenue and approximately 1,800 feet west of Farm-to-Market Road 1006 (Border Street), Orange County</p> <p>TYPE OF OPERATION: Wastewater treatment facility</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 November 10, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: Ms. Melissa Keller, SEP Coordinator, Enforcement Division, MC 219, (512) 239-1768 TCEQ Enforcement Coordinator: Ms. Merrilee Hupp, Enforcement Division, Enforcement Team 1, MC 169, (512) 239-4490; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable William Claybar, Mayor, City of Orange, P.O. Box 520, Orange, Texas 77631 Mr. Shawn Oubre, City Manager, City of Orange, P.O. Box 520, Orange, Texas 77631 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: January 28, 2008</p> <p>Date of NOV/NOE Relating to this Case: March 20, 2008 (NOE)</p> <p>Background Facts: This was a routine investigation.</p> <p>WATER</p> <p>1) Failure to report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance. Specifically, the Respondent's operator records documented an overflow from the headworks of the Facility on January 10, 2008, but a noncompliance notification was not submitted to the TCEQ as required [30 TEX. ADMIN. CODE § 305.125(9) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 7].</p> <p>2) Failure to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, on January 10, 2008, the motor serving the automatic bar screen malfunctioned, resulting in a discharge of approximately 300 gallons of wastewater and debris onto the Facility grounds [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4) and (5), and TPDES Permit No. WQ0010626001, Operational Requirements No. 1 and Permit Conditions No. 2.g].</p> <p>3) Failure to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the vortex de-gritter was inoperable, the distribution arms on the</p>	<p>Total Assessed: \$58,555</p> <p>Total Deferred: \$11,711 <input checked="" type="checkbox"/> Expedited Settlement <input type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$46,844</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input checked="" type="checkbox"/> Yes <input 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 January 30, 2008, replaced the roll-off box and cleaned the affected area;</p> <p>b. On January 31, 2008, submitted a written notice to the TCEQ for the unauthorized discharge that occurred on January 10, 2008;</p> <p>c. By February 7, 2008, began retaining complete records of each measurement or sample taken, including the time the pH and dissolved oxygen meters were calibrated, the accuracy certification for the sample refrigerator thermometer, the quality assurance data for total suspended solids and fecal coliform, and the sample condition and temperature upon receipt at the contract laboratory on the chain of custody record;</p> <p>d. By February 11, 2008, replaced the bar screen motor and removed the wastewater and debris which had been deposited in the adjacent area as a result of its malfunctioning;</p> <p>e. By February 13, 2008, repaired the pumps at the Navy Base North and 11th & Burton lift stations;</p> <p>f. By February 13, 2008, repaired and secured the gate at the Sikes lift station and repaired the fence at the Navy Base North lift station;</p> <p>g. By February 25, 2008, cleaned the sludge drying beds, balanced the arms of the south trickling filter, unclogged the spray nozzles on the north trickling filter, replaced the skimmer arm wiper blades on the west primary clarifier, and began an alternate method of grit removal by using existing larger pumps located at the end of the primary clarifier;</p> <p>h. By March 7, 2008, installed audiovisual alarm systems at each of the five lift stations which were missing a horn, a</p>

south trickling filter were out of balance, the sludge drying beds were full of dried sludge and weeds, the spray nozzles on the north trickling filter were clogged, and the west primary clarifier skimmer arm was not fitted with wiper blades [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1].

4) Failure to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the investigator observed that the roll-off box containing debris collected by the bar screen was leaking [30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1].

5) Failure to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the center rings in the west primary clarifier and in final clarifier #2 were out of level, causing short-circuiting in the units and the final clarifiers were moderately to severely corroded [30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1].

6) Failure to equip the Cove Addition lift station with a forced air ventilation system for the dry well below the ground surface [30 TEX. ADMIN. CODE § 317.3(b)(6)(B)].

7) Failure to provide an audiovisual alarm system at each lift station. Specifically, an audio alarm was not provided at the Tulane, Sikes Road, Cove Addition, and 11th Street & Burton Avenue lift stations. Additionally, the visual alarms at the 11th Street & Burton Avenue and Cove Addition lift stations were inoperable and the Navy Base North lift station was not equipped with either an audio or visual alarm [30 TEX. ADMIN. CODE §§ 317.3(e)(5) and 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1].

8) Failure to employ a licensed operator who holds a license class equal to or higher than the category of the collection system. Specifically, the operator who is responsible for operating and maintaining the Respondent's Class III collection system has a Collection System Class II license [30 TEX. ADMIN. CODE §§ 30.350(n) and 305.125(1), and TPDES Permit No. WQ0010626001, Other Requirements

flashing red light, or both; and

i. By March 7, 2008, submitted copies of the 2005, 2006, and 2007 Outfall 002 discharge reports.

Ordering Provisions:

1) The Order will require the Respondent to implement and complete a Supplemental Environmental Project (SEP). (See SEP Attachment A)

2) The Order will also require the Respondent to:

a. Within 30 days after the effective date of this Agreed Order, employ a licensed Class III collection system operator;

b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.a, as described in Ordering Provision No. 2.g below;

c. Within 60 days after the effective date of this Agreed Order, complete the necessary repairs or replacements in the West Primary Clarifier and Final Clarifier #2 to prevent short-circuiting and institute a means to address the corroded areas in the final clarifiers;

d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.c, as described in Ordering Provision No. 2.g below;

e. Within 90 days after the effective date of this Agreed Order, equip the Cove Addition lift station with a forced air ventilation system for the dry well below the ground surface;

f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 2.e, as described in Ordering Provision No. 2.g below; and

g. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a, 2.c, and 2.e.

<p>No. 1].</p> <p>9) Failure to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, one of two pumps at the Navy Base North lift station was inoperable and one of three pumps at the 11th & Burton lift station was inoperable. Standby pumps had not been provided for the inoperable pumps [30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(b)(1) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1].</p> <p>10) Failure to maintain complete records of each measurement or sample taken. Specifically, records were not available for the time the pH and dissolved oxygen meters were calibrated, the accuracy certification for the sample refrigerator thermometer, the quality assurance data for total suspended solids and fecal coliform, and the sample condition and temperature upon receipt at the contract laboratory on the chain of custody record [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a) and TPDES Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 3].</p> <p>11) Failure to provide the TCEQ Beaumont Regional Office during September of 2005, 2006, and 2007 with a record of the date, average flow and duration of each discharge from Outfall 002. Specifically, the required reports were submitted to the Enforcement Division in Austin, but not to the Beaumont Regional Office [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010626001, Other Requirements No. 10].</p> <p>12) Failure to ensure that lift stations are intruder-resistant with a controlled access. Specifically, the gate at the Sikes Road lift station was bent and damaged and left in the open position with no lock and chain, and the fencing at the Navy Base North lift station was damaged to the point of allowing access [30 TEX. ADMIN. CODE § 317.3(a)].</p>		
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Additional ID No(s): WQ0010626001

Attachment A

Docket Number: 2008-0533-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Orange
Payable Penalty Amount:	Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844)
SEP Amount:	Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP:	Orange County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

1. The first part of the document discusses the importance of maintaining accurate records of all transactions.

2. It is essential to ensure that all entries are supported by appropriate documentation and receipts.

3. Regular audits should be conducted to verify the accuracy of the records and to identify any discrepancies.

4. The second part of the document outlines the procedures for handling disputes and resolving conflicts.

5. It is important to establish clear communication channels and to document all discussions and agreements.

6. The third part of the document provides information on the various services and products offered by the organization.

7. These services are designed to meet the needs of our customers and to provide them with the highest quality of service.

8. We are committed to continuous improvement and to staying up-to-date with the latest industry trends.

9. The fourth part of the document contains a list of contact information for our various departments.

10. Please do not hesitate to reach out to us if you have any questions or need further assistance.

11. We appreciate your business and look forward to serving you in the future.

12. Thank you for your attention and for choosing our organization.

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

DATES	Assigned	24-Mar-2008			
	PCW	3-Apr-2008	Screening	3-Apr-2008	EPA Due

RESPONDENT/FACILITY INFORMATION					
Respondent	City of Orange				
Reg. Ent. Ref. No.	RN101613644				
Facility/Site Region	10-Beaumont	Major/Minor Source	Major		

CASE INFORMATION					
Enf./Case ID No.	35681	No. of Violations	12		
Docket No.	2008-0533-MWD-E	Order Type	1660		
Media Program(s)	Water Quality	Enf. Coordinator	Merrilee Hupp		
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)	<i>Subtotal 1</i>	\$23,900
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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	145% Enhancement	<i>Subtotals 2, 3, & 7</i>	\$34,655
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Notes: The Respondent was issued an Agreed Order containing a denial of liability, self-reported 23 effluent violations, and received two Notices of Violations ("NOVs") with same or similar violations.

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

Good Faith Effort to Comply	0% Reduction	<i>Subtotal 5</i>	\$0
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	Before NOV	NOV to EDPRP/Settlement Offer
Extraordinary		
Ordinary		
N/A	X	(mark with x)

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

	0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts	\$819	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$15,206	

SUM OF SUBTOTALS 1-7	<i>Final Subtotal</i>	\$58,555
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OTHER FACTORS AS JUSTICE MAY REQUIRE	0%	<i>Adjustment</i>	
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

<i>Final Penalty Amount</i>	\$58,555
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STATUTORY LIMIT ADJUSTMENT	<i>Final Assessed Penalty</i>	\$58,555
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DEFERRAL	20% Reduction	<i>Adjustment</i>	-\$11,711
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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	\$46,844
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Screening Date 3-Apr-2008
Respondent City of Orange
Case ID No. 35681
Reg. Ent. Reference No. RN101613644
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Docket No. 2008-0533-MWD-E

PCW

Policy Revision 2 (September 2002)

PCW Revision February 29, 2008

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>)	25	125%
	Other written NOVs	0	0%
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) 145%

>> **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 was issued an Agreed Order containing a denial of liability, self-reported 23 effluent violations, and received two Notices of Violations ("NOVs") with same or similar violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 145%

Screening Date	3-Apr-2008	Docket No.	2008-0533-MWD-E	PCW
Respondent	City of Orange	<i>Policy Revision 2 (September 2002)</i>		
Case ID No.	35681	<i>PCW Revision February 29, 2008</i>		
Reg. Ent. Reference No.	RN101613644			
Media [Statute]	Water Quality			
Enf. Coordinator	Merrilee Hupp			

Violation Number

Rule Cite(s) 30 Tex. Admin. Code § 305.125(9) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 7

Violation Description Failed to report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance. Specifically, the operator records documented an overflow from the headworks of the Facility on January 10, 2008, but a noncompliance notification was not submitted to the TCEQ.

Base Penalty

>> 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

Matrix Notes	Falsification			
	Major	Moderate	Minor	
	<input type="text" value="x"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>
100% of the rule and permit requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

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="text"/>

Violation Base Penalty

One single event is 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 Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
Media: Water Quality
Violation No.: 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				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)	\$50	11-Jan-2008	31-Jan-2008	0.1	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost for submittal of a noncompliance report. Date required is the due date for the oral notice or facsimile, and final date is the date of submittal to the TCEQ.

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

\$50

TOTAL

\$0

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35681		<small>PCW Revision February 29, 2008</small>
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number <input type="text" value="2"/>		
Rule Cite(s)	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(4) and (5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1 and Permit Conditions No. 2.g	
Violation Description	Failed to prevent an unauthorized discharge into or adjacent to water in the state. Specifically, on January 10, 2008, the motor serving the automatic bar screen malfunctioned, resulting in a discharge of approximately 300 gallons of wastewater and debris onto the Facility grounds.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

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

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

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the discharge date (January 10, 2008) to the date of compliance (February 11, 2008).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$6"/>	Violation Final Penalty Total <input type="text" value="\$6,125"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,125"/>	

Economic Benefit Worksheet

Respondent: City of Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
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
<small>No commas or \$</small>							

Delayed Costs

Equipment	\$811	10-Jan-2008	11-Feb-2008	0.1	\$0	\$5	\$5
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)	\$150	10-Jan-2008	11-Feb-2008	0.1	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost for new motor for bar screen and the labor and electrical work associated with its installation and cleanup of the wastewater and debris. Date required is the date the unauthorized discharge occurred and final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$961

TOTAL

\$6

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35681		<small>PCW Revision February 29, 2008</small>
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 3		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1	
Violation Description	Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the vortex de-gritter was inoperable, the distribution arms on the south trickling filter were out of balance, the sludge drying beds were full of dried sludge and weeds, the spray nozzles on the north trickling filter were clogged, and the west primary clarifier skimmer arm was not fitted with wiper blades, as documented during the January 28, 2008 investigation.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would 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 <input type="text" value="1"/>	<input type="text" value="28"/>	Number of violation days												
mark only one with an x <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="checkbox"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="checkbox"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input type="checkbox"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="checkbox"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="checkbox"/></td></tr> <tr><td style="padding: 2px;">single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	<input type="checkbox"/>	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$1,000"/>
daily	<input type="checkbox"/>													
monthly	<input type="checkbox"/>													
quarterly	<input type="checkbox"/>													
semiannual	<input type="checkbox"/>													
annual	<input type="checkbox"/>													
single event	<input checked="" type="checkbox"/>													

One single event is recommended based on documentation of the violation during the January 28, 2008 investigation.

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="\$2,450"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$2,450"/>	

Economic Benefit Worksheet

Respondent City of Orange
Case ID No. 35681
Reg. Ent. Reference No. RN101613644
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)	\$400	28-Jan-2008	25-Feb-2008	0.1	\$2	n/a	\$2

Notes for DELAYED costs

Estimated cost for labor and parts associated with cleaning the drying beds, balancing the trickling filter arms, unclogging the trickling filter spray nozzles, replacing the clarifier skimmer arm wiper blades, and maintaining existing, larger pumps as an alternate grit removal method. Date required is the investigation date and final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$400

TOTAL

\$2

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35681		<i>PCW Revision February 29, 2008</i>
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(4) and (5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1	
Violation Description	Failed to operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the investigator observed that the roll-off box containing debris collected by the bar screen was leaking.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Release	Major	Moderate	Minor
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="25%"/>

>> Programmatic Matrix

	Falsification			
	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels that are protective of human health or environmental receptors as a result of the violation.			

Adjustment

Violation Events

Number of Violation Events <input type="text" value="1"/>		Number of violation days <input type="text" value="2"/>													
mark only one with an x <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td><input checked="" type="checkbox"/></td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">single event</td><td><input type="text"/></td></tr> </table>	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 <input type="text" value="\$2,500"/>	
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"/>														

One quarterly event is recommended from the investigation date (January 28, 2008) to the date of compliance (January 30, 2008).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$0"/>	Violation Final Penalty Total <input type="text" value="\$6,125"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,125"/>	

Economic Benefit Worksheet

Respondent: City of Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
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
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	\$600	28-Jan-2008	30-Jan-2008	0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to replace the roll-off box and to clean the affected area. Date required is the investigation date and 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

\$600

TOTAL

\$0

Screening Date 3-Apr-2008 Respondent City of Orange Case ID No. 35681 Reg. Ent. Reference No. RN101613644 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number <input type="text" value="5"/> Rule Cite(s) 30 Tex. Admin. Code § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1	Docket No. 2008-0533-MWD-E PCW <i>Policy Revision 2 (September 2002)</i> <i>PCW Revision February 29, 2008</i>																			
Violation Description <div style="border: 1px solid black; padding: 5px; margin-top: 5px;"> Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, the center rings in the west primary clarifier and in final clarifier #2 were out of level, causing short-circuiting in the units and the final clarifiers were moderately to severely corroded, as documented during the January 28, 2008 investigation. </div>																				
Base Penalty <input style="width: 100px;" type="text" value="\$10,000"/>																				
>> Environmental, Property and Human Health Matrix																				
OR	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;"></th> <th colspan="3" style="text-align: center;">Harm</th> <th style="width: 10%;"></th> </tr> <tr> <th style="text-align: left;">Release</th> <th style="text-align: center;">Major</th> <th style="text-align: center;">Moderate</th> <th style="text-align: center;">Minor</th> <th></th> </tr> </thead> <tbody> <tr> <td style="text-align: left;">Actual</td> <td style="width: 50px;"><input type="text"/></td> <td style="width: 50px;"><input type="text"/></td> <td style="width: 50px;"><input type="text"/></td> <td rowspan="2" style="vertical-align: middle;">Percent <input style="width: 50px;" type="text" value="10%"/></td> </tr> <tr> <td style="text-align: left;">Potential</td> <td><input type="text"/></td> <td><input type="text"/></td> <td style="text-align: center;">x</td> </tr> </tbody> </table>		Harm				Release	Major	Moderate	Minor		Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10%"/>	Potential	<input type="text"/>	<input type="text"/>	x
	Harm																			
Release	Major	Moderate	Minor																	
Actual	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="10%"/>																
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>> Programmatic Matrix																				
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	Major	Moderate	Minor																	
Falsification	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input style="width: 50px;" type="text" value="0%"/>																
Matrix Notes	Human health or the environment will or could be exposed to insignificant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.																			
Adjustment <input style="width: 100px;" type="text" value="\$9,000"/>																				
<input style="width: 100px;" type="text" value="\$1,000"/>																				
Violation Events																				
	<table style="width: 100%;"> <tr> <td style="width: 50%;">Number of Violation Events <input style="width: 50px;" type="text" value="1"/></td> <td style="width: 50%;">Number of violation days <input style="width: 50px;" type="text" value="66"/></td> </tr> </table>	Number of Violation Events <input style="width: 50px;" type="text" value="1"/>	Number of violation days <input style="width: 50px;" type="text" value="66"/>																	
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daily	<input type="text"/>																			
monthly	<input type="text"/>																			
quarterly	<input type="text"/>																			
semiannual	<input type="text"/>																			
annual	<input type="text"/>																			
single event	x																			
Violation Base Penalty <input style="width: 100px;" type="text" value="\$1,000"/>																				
<div style="border: 1px solid black; padding: 5px; margin-top: 5px; font-size: small;"> One single event is recommended based on documentation of the violation during the January 28, 2008 investigation. </div>																				
Economic Benefit (EB) for this violation																				
	<table style="width: 100%;"> <tr> <td style="width: 50%;">Estimated EB Amount <input style="width: 50px;" type="text" value="\$21"/></td> <td style="width: 50%;">Statutory Limit Test</td> </tr> <tr> <td></td> <td>Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$2,450"/></td> </tr> <tr> <td colspan="2" style="text-align: right;"> This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$2,450"/> </td> </tr> </table>	Estimated EB Amount <input style="width: 50px;" type="text" value="\$21"/>	Statutory Limit Test		Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$2,450"/>	This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$2,450"/>														
Estimated EB Amount <input style="width: 50px;" type="text" value="\$21"/>	Statutory Limit Test																			
	Violation Final Penalty Total <input style="width: 50px;" type="text" value="\$2,450"/>																			
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 50px;" type="text" value="\$2,450"/>																				

Economic Benefit Worksheet

Respondent: City of Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
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
<small>No commas or \$</small>							

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	28-Jan-2008	1-Dec-2008	0.8	\$21	n/a	\$21

Notes for DELAYED costs

Estimated cost to drain and take the clarifiers out of service, remove scale, apply an epoxy coating, and level or replace the center rings. Date required is the investigation date and final date is the date compliance is expected to be achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$21

Screening Date 3-Apr-2008 Respondent City of Orange Case ID No. 35681 Reg. Ent. Reference No. RN101613644 Media [Statute] Water Quality Enf. Coordinator Merrilee Hupp Violation Number <input type="text" value="6"/> Rule Cite(s)	Docket No. 2008-0533-MWD-E <div style="text-align: right;">PCW</div> <div style="text-align: right; font-size: small;"> Policy Revision 2 (September 2002) PCW Revision February 29, 2008 </div>
Violation Description <input style="width: 90%;" type="text" value="Failed to equip the Cove Addition lift station with a forced air ventilation system for the dry well below the ground surface."/>	
Base Penalty <input style="width: 100px;" 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"/>	x	<input type="text"/>	
				Percent <input style="width: 50px;" type="text" value="25%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="text"/>	<input type="text"/>	<input type="text"/>		<input type="text"/>
				Percent <input style="width: 50px;" type="text" value="0%"/>	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Violation Events

Number of Violation Events <input style="width: 50px;" type="text" value="1"/>		Number of violation days <input style="width: 50px;" type="text" value="66"/>												
mark only one with an x <table border="1" style="border-collapse: collapse;"> <tr><td style="padding: 2px;">daily</td><td style="width: 40px;"><input type="text"/></td></tr> <tr><td style="padding: 2px;">monthly</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">quarterly</td><td style="text-align: center;">x</td></tr> <tr><td style="padding: 2px;">semiannual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">annual</td><td><input type="text"/></td></tr> <tr><td style="padding: 2px;">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 style="width: 100px;" type="text" value="\$2,500"/>	
daily	<input type="text"/>													
monthly	<input type="text"/>													
quarterly	x													
semiannual	<input type="text"/>													
annual	<input type="text"/>													
single event	<input type="text"/>													

One quarterly event is recommended from the investigation date (January 28, 2008) to the screening date (April 3, 2008).

Economic Benefit (EB) for this violation **Statutory Limit Test**

Estimated EB Amount <input style="width: 150px;" type="text" value="\$650"/>	Violation Final Penalty Total <input style="width: 100px;" type="text" value="\$6,125"/>
This violation Final Assessed Penalty (adjusted for limits) <input style="width: 100px;" type="text" value="\$6,125"/>	

Economic Benefit Worksheet

Respondent City of Orange
Case ID No. 35681
Reg. Ent. Reference No. RN101613644
Media Water Quality
Violation No. 6

Percent Interest	Years of Depreciation
5.0	15

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

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	\$10,000	28-Jan-2008	1-Jan-2009	0.9	\$31	\$619	\$650
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs
 Estimated cost for the construction and installation of an air ventilation system which meets the requirements for a below-grade lift station. Date required is the investigation date and final date is when compliance is expected to be achieved.

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

\$10,000

TOTAL

\$650

Screening Date 3-Apr-2008 **Docket No.** 2008-0533-MWD-E **PCW**
Respondent City of Orange *Policy Revision 2 (September 2002)*
Case ID No. 35681 *PCW Revision February 29, 2008*
Reg. Ent. Reference No. RN101613644
Media [Statute] Water Quality
Enf. Coordinator Merrilee Hupp

Violation Number
Rule Cite(s) 30 Tex. Admin. Code §§ 317.3(e)(5) and 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1

Violation Description
 Failed to provide an audiovisual alarm system at each lift station. Specifically, an audio alarm was not provided at the Tulane, Sikes Road, Cove Addition, and intersection of 11th Street & Burton Avenue lift stations. Additionally, the visual alarms at the 11th Street & Burton Avenue and Cove Addition lift stations were inoperable, and the Navy Base North lift station was not equipped with either an audio or visual alarm.

Base Penalty

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

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

Adjustment

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	<input checked="" type="checkbox"/>

mark only one with an x

Violation Base Penalty

Five single events (one event per lift station) 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 Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
Media: Water Quality
Violation No.: 7

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	\$904	28-Jan-2008	7-Mar-2008	0.1	\$0	\$6	\$7
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

Estimated cost to purchase and install audiovisual alarms as needed at each of five lift stations. Date required is the investigation date and final date is the date compliance was achieved.

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

\$904

TOTAL

\$7

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E
Respondent City of Orange	PCW <small>Policy Revision 2 (September 2002) PCW Revision February 29, 2008</small>
Case ID No. 35681	
Reg. Ent. Reference No. RN101613644	
Media [Statute] Water Quality	
Enf. Coordinator Merrilee Hupp	
Violation Number 8	
Rule Cite(s)	30 Tex. Admin. Code §§ 30.350(n) and 305.125(1), and TPDES Permit No. WQ0010626001, Other Requirements No. 1
Violation Description	Failed to employ a licensed operator who holds a license class equal to or higher than the category of the collection system. Specifically, the operator who is responsible for operating and maintaining the Respondent's Class III collection system has a Collection System Class II license.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	x	<input type="checkbox"/>	
				Percent <input type="text" value="25%"/>	

>> Programmatic Matrix

	Falsification				
		Major	Moderate		Minor
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input type="text" value="0%"/>	
Matrix Notes	Human health or the environment will or could be exposed to significant amounts of pollutants which would not exceed levels that are protective of human health or environmental receptors as a result of the violation.				

Adjustment

Violation Events

	<input type="text" value="1"/>		<input type="text" value="66"/>	Number of violation days												
<small>mark only one with an x</small>	<table style="width:100%; border-collapse: collapse;"> <tr><td style="width:50%;">daily</td><td style="width:50%; text-align: center;"><input type="checkbox"/></td></tr> <tr><td>monthly</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>quarterly</td><td style="text-align: center;">x</td></tr> <tr><td>semiannual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>annual</td><td style="text-align: center;"><input type="checkbox"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input type="checkbox"/></td></tr> </table>	daily	<input type="checkbox"/>	monthly	<input type="checkbox"/>	quarterly	x	semiannual	<input type="checkbox"/>	annual	<input type="checkbox"/>	single event	<input type="checkbox"/>			Violation Base Penalty <input type="text" value="\$2,500"/>
daily	<input type="checkbox"/>															
monthly	<input type="checkbox"/>															
quarterly	x															
semiannual	<input type="checkbox"/>															
annual	<input type="checkbox"/>															
single event	<input type="checkbox"/>															

One quarterly event is recommended from the investigation date (January 28, 2008) to the screening date (April 3, 2008).

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$125"/>	Violation Final Penalty Total <input type="text" value="\$6,125"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$6,125"/>	

Economic Benefit Worksheet

Respondent: City of Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
Media: Water Quality
Violation No.: 8

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	\$200	28-Jan-2008	1-Nov-2008	0.8	\$8	n/a	\$8
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to take the additional training necessary for a Class II Collection System operator to obtain a Class III Collection System operator's license. Date required is the investigation date and final date is the date compliance is expected to be achieved.

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]	\$111	28-Jan-2008	3-Apr-2008	1.1	\$6	\$111	\$117
Other (as needed)				0.0	\$0	\$0	\$0

Notes for AVOIDED costs

Estimated cost for a Class II Collection System operator to obtain a Class III Collection System operator's license. Date required is the investigation date and final date is the screening date.

Approx. Cost of Compliance

\$311

TOTAL

\$125

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35681		<small>PCW Revision February 29, 2008</small>
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 9		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(5) and 317.3(b)(1) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1	
Violation Description	Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal. Specifically, one of two pumps at the Navy Base North lift station was inoperable and one of three pumps at the 11th & Burton lift station was inoperable. Standby pumps had not been provided for the inoperable pumps.	
	Base Penalty	\$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 checked="" type="checkbox"/>
				Percent <input type="text" value="10%"/>

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	Percent <input type="text" value="0%"/>
Matrix Notes	Human health or the environment could or would be exposed to insignificant amounts of pollutants which would 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 <input type="text" value="2"/>		Number of violation days <input type="text" value="16"/>													
mark only one with an x <table border="1" style="border-collapse: collapse;"> <tr><td>daily</td><td><input type="text"/></td></tr> <tr><td>monthly</td><td><input type="text"/></td></tr> <tr><td>quarterly</td><td><input type="text"/></td></tr> <tr><td>semiannual</td><td><input type="text"/></td></tr> <tr><td>annual</td><td><input type="text"/></td></tr> <tr><td>single event</td><td style="text-align: center;"><input checked="" type="checkbox"/></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 checked="" type="checkbox"/>		Violation Base Penalty <input type="text" value="\$2,000"/>	
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"/>														
Two single events are recommended (one event per lift station).															

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 Orange
Case ID No. 35681
Reg. Ent. Reference No. RN101613644
Media Water Quality
Violation No. 9

Percent Interest	Years of Depreciation
5.0	15

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

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	28-Jan-2008	13-Feb-2008	0.0	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to repair two inoperable lift station pumps. Date required is the investigation date and final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$500

TOTAL

\$1

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35681	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number <input type="text" value="10"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 319.7(a) and TPDES Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 3.c	
Violation Description	Failed to maintain complete records of each measurement or sample taken. Specifically, during the January 28, 2008 investigation, records were not available for the time the pH and dissolved oxygen meters were calibrated, the accuracy certification for the sample refrigerator thermometer, the quality assurance data for total suspended solids and fecal coliform, and the sample condition and temperature upon receipt at the contract laboratory on the chain of custody record.	
	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

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 type="text"/>
	semiannual	<input type="text"/>
	annual	<input type="text"/>
single event	<input checked="" type="checkbox"/>	

Violation Base Penalty

One single event is recommended based on documentation of the violation during the January 28, 2008 investigation.

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 Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
Media: Water Quality
Violation No.: 10

Percent Interest	Years of Depreciation
5.0	15

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

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	\$250	28-Jan-2008	7-Feb-2008	0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost of keeping records of times, certifications, temperatures, and quality assurance data. Date required is the investigation date and 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

\$250

TOTAL

\$0

Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange		<i>Policy Revision 2 (September 2002)</i>
Case ID No. 35681		<i>PCW Revision February 29, 2008</i>
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number	11	
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. WQ0010626001, Other Requirements No. 10	
Violation Description	Failed to provide the TCEQ Beaumont Regional Office during September 2005, 2006, and 2007 with a record of the date, average flow and duration of each discharge from Outfall 002. Specifically, the required reports were submitted to the Enforcement Division in Austin, but not to the Beaumont Regional Office.	
	Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
		Major	Moderate		Minor
	Release				
	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
	Actual	<input type="text"/>	<input type="text"/>	<input checked="" type="checkbox"/>	Percent <input type="text" value="1%"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
Matrix Notes	At least 70% of the rule requirement was met.				

Adjustment

Violation Events

Number of Violation Events <input type="text" value="3"/>		Number of violation days <input type="text" value="889"/>
mark only one with an x 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="\$300"/>
Three single events (one per report) are recommended.		

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$6"/>	Violation Final Penalty Total <input type="text" value="\$735"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$735"/>	

Economic Benefit Worksheet

Respondent: City of Orange
Case ID No.: 35681
Reg. Ent. Reference No.: RN101613644
Media: Water Quality
Violation No.: 11

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

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)	\$50	30-Sep-2005	7-Mar-2008	2.4	\$6	n/a

Notes for DELAYED costs
 Estimated cost for the submittal of copies of Outfall 002 discharge data to the TCEQ Beaumont Regional Office. Date required is the date the first report was due and final date is when copies of the reports were received by the Regional Office.

Avoided Costs

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

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	\$50	TOTAL	\$6
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Screening Date 3-Apr-2008	Docket No. 2008-0533-MWD-E	PCW
Respondent City of Orange	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35681	<i>PCW Revision February 29, 2008</i>	
Reg. Ent. Reference No. RN101613644		
Media [Statute] Water Quality		
Enf. Coordinator Merrilee Hupp		
Violation Number 12 <input type="text" value="12"/>		
Rule Cite(s)	30 Tex. Admin. Code § 317.3(a)	
Violation Description	Failed to ensure that lift stations are intruder-resistant with a controlled access. Specifically, the gate at the Sikes Road lift station was bent and damaged and left in the open position with no lock and chain and the fencing at the Navy Base North lift station was damaged to the point of allowing access.	
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 checked="" type="checkbox"/>
				Percent <input type="text" value="10%"/>

>> Programmatic Matrix

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

Matrix Notes
Human health or the environment could or would be exposed to insignificant amounts of pollutants which would 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

	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

Two single events (one per lift station) 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 Orange
Case ID No. 35681
Reg. Ent. Reference No. RN101613644
Media Water Quality
Violation No. 12

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Overtime 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)	\$340	28-Jan-2008	13-Feb-2008	0.0	\$1	n/a	\$1

Notes for DELAYED costs

Estimated cost to repair or replace damaged fencing and gate. Date required is the investigation date and final date is the date compliance was achieved.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$340

TOTAL

\$1

Compliance History

Customer/Respondent/Owner-Operator: CN600643530 City of Orange Classification: AVERAGE Rating: 3.80
Regulated Entity: RN101613644 JACKSON STREET PLANT Classification: AVERAGE Site Rating: 9.00
ID Number(s): WASTEWATER PERMIT WQ0010626001
WASTEWATER PERMIT TPDES0073423
WASTEWATER PERMIT TX0073423
WASTEWATER LICENSING LICENSE WQ0010626001
STORMWATER PERMIT TXR05R263
Location: LOCATED AT 402 S 10TH ST, BTWN JACKSON ST & POLK AVE & APPRX 1,800 FT W OF FM 1006 (BORDER ST), ORANGE CO, TX Rating Date: 9/1/2007
Repeat Violator: NO
TCEQ Region: REGION 10 - BEAUMONT
Date Compliance History Prepared: March 25, 2008
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: March 25, 2003 to March 25, 2008
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Merrilee G. Hupp Phone: 512-239-4490

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: 08/31/2007 ADMINORDER 2005-0059-MWD-E

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: Failure to adequately operate and maintain the UV disinfection system.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(c)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: FEL&MR 1 PERMIT

Description: Failure to comply the FC single grab limit of 800 col/100 ml with values of 19,090 col/100 ml in the west basin and 13,640 col/100 ml in the east basin as measured by the regional investigator.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: Failure to maintain a functional high level alarm at the Allie Payne lift station.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: Failure to remove the heavy accumulation of oil and grease from the 16th Street lift station.

Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)

30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: EL&MR 1 PERMIT

Description: Failure to comply with the fecal coliform bacteria (FC) single grab limit, the FC seven (7) day average, and the total suspended solids (TSS) daily maximum limits.

Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(c)(2)(E)

Description: Failure to provide remote operation indicators for all lamps in the UV system.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.6(c)(2)(H)

Description: Failure to maintain a minimum number of replacement parts for the UV disinfection system.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OpR 1 PERMIT

Description: Failure to maintain the No. 2 pump in service at the Bankroft and Sikes lift station.

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 04/22/2003 (199650)

2 05/19/2003 (199654)

3 05/27/2003 (31010)

4 06/24/2003 (199659)

5 07/22/2003 (199663)

6 08/04/2003 (247296)

7 08/18/2003 (312974)

8 09/04/2003 (247739)

9 09/23/2003 (312976)

10 10/17/2003 (312978)

11 11/24/2003 (312979)

12 12/29/2003 (312980)

13 01/21/2004 (312981)

14 02/23/2004 (312963)

15 03/15/2004 (265224)

16 03/19/2004 (312965)

17 04/22/2004 (312966)

18 05/14/2004 (312968)

19 06/21/2004 (312970)

20 07/22/2004 (312972)

21 08/19/2004 (359273)

22 09/21/2004 (359274)

23 10/25/2004 (359275)

24 10/25/2004 (359278)

25 11/17/2004 (359276)

26 12/09/2004 (339042)

27 12/20/2004 (359277)

28 02/22/2005 (385878)

29 03/21/2005 (385879)

30 04/18/2005 (423806)

31 05/23/2005 (423807)

32 06/13/2005 (423808)

33 07/19/2005 (423809)

34 08/22/2005 (444604)
35 09/20/2005 (444605)
36 10/24/2005 (444606)
37 10/24/2005 (444607)
38 11/22/2005 (475336)
39 12/27/2005 (475337)
40 02/22/2006 (475334)
41 03/21/2006 (475335)
42 04/19/2006 (502828)
43 05/23/2006 (502829)
44 06/26/2006 (502830)
45 07/24/2006 (525164)
46 08/21/2006 (525165)
47 09/21/2006 (525166)
48 10/24/2006 (584592)
49 11/27/2006 (584593)
50 12/15/2006 (584594)
51 01/23/2007 (584595)
52 02/22/2007 (584586)
53 03/23/2007 (584587)
54 04/23/2007 (584588)
55 05/18/2007 (584589)
56 06/21/2007 (584590)
57 07/20/2007 (584591)
58 08/17/2007 (604299)
59 09/21/2007 (604300)
60 10/16/2007 (597989)
61 10/22/2007 (623291)
62 11/26/2007 (623292)
63 12/27/2007 (623293)
64 03/20/2008 (638080)

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

Date: 04/30/2003 (199654)

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: 05/28/2003 (31010)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP 10626-001

Description: Failure by the regulated entity to measure the flow according permit requirements.

Self Report? NO Classification: Moderate

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to prevent the discharge of wastewater into or adjacent to water in the state without authorization from the commission.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(b)(6)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(9)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to notify the TCEQ of an unauthorized discharge within the required notification period of orally within 24 hours and written within 5 days.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(e)

Rqmt Prov: OP 10626-001

Description: Failure to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to comply with procedures specified in chapters 319.11 - 319.12.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.7(a)

30 TAC Chapter 319, SubChapter A 319.7(c)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to comply with the test procedures for the analysis of pollutants as specified in 30 TAC 319.11-319.12.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.4(g)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.5(e)(2)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.6(c)(2)

Description: Failure to provide a remote operation indicator for each individual ultraviolet (UV) lamp.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to properly regulate contributing industries and enforce pretreatment requirements.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to comply with test procedures specified in 30 TAC 319.11-319.12.

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)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to comply with test procedures specified in 30 TAC 319.11-319.12.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.2

30 TAC Chapter 317 317.3

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

30 TAC Chapter 317 317.3

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure to properly operate and maintain all systems of collection, treatment, and disposal.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to ensure that all systems of collection, treatment, and disposal are properly operated and maintained.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 317 317.4(a)(8)

Description: Failure by the permittee to protect against a potential connection from the public drinking water supply to the wastewater treatment plant through an air gap or a backflow prevention device.

Self Report? NO Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP 10626-001

Description: Failure to report 40% noncompliances to the TNRCC within the required notification period.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to discharge effluent in compliance with permitted limitations.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.126(a)

Rqmt Prov: OP 10626-001

Description: Failure by the permittee to submit an engineering and financial planning report to the Commission after exceeding 75% of the permitted flow for three consecutive months.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 312, SubChapter G 312.145(a)(1)

30 TAC Chapter 312, SubChapter G 312.145(a)(6)

Description: Failure by the permittee to ensure that all trip tickets include: the registration # of the transporter and the identification # of the facility where the waste was deposited.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Rqmt Prov: OP 10626-001

Description: Failure to discharge effluent in compliance with permitted effluent limitations.

Date: 08/04/2003 (247296)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT,PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

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(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate

TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Date: 05/31/2004 (312970)
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: 07/31/2004 (359273)
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 (359275)
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: 10/31/2004 (359276)
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: 11/30/2004 (359277)
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: 01/31/2005 (385878)
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: 02/28/2005 (385879)
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: 07/31/2005 (444604)
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: 05/31/2006 (502830)
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: 06/30/2006 (525164)
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: 07/31/2006 (525165)
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: 08/31/2006 (525166)
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: 10/31/2006 (584593)
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: 11/30/2006 (584594)
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 (584595)
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: 01/31/2007 (584586)
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: 03/31/2007 (584588)
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: 08/31/2007 (604300)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter
Date: 09/30/2007 (623291)
Self Report? YES Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet the limit for one or more permit parameter

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN
ENFORCEMENT ACTION
CONCERNING
CITY OF ORANGE
RN101613644

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

AGREED ORDER DOCKET NO. 2008-0533-MWD-E

I. JURISDICTION AND STIPULATIONS

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Orange ("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 facility at 402 South 10th Street, between Jackson Street and Polk Avenue and approximately 1,800 feet west of Farm-to Market Road 1006 (Border Street), in Orange 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 March 25, 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 Fifty-Eight Thousand Five Hundred Fifty-Five Dollars (\$58,555) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). Eleven Thousand Seven Hundred Eleven Dollars (\$11,711) 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. Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844) shall be conditionally offset by the City's completion of a Supplemental Environmental Project ("SEP").

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that the City has implemented the following corrective measures at the Facility:
 - a. By January 30, 2008, replaced the roll-off box and cleaned the affected area;
 - b. On January 31, 2008, submitted a written notice to the TCEQ for the unauthorized discharge that occurred on January 10, 2008;
 - c. By February 7, 2008, began retaining complete records of each measurement or sample taken, including the time the pH and dissolved oxygen meters were calibrated, the accuracy certification for the sample refrigerator thermometer, the quality assurance data for total suspended solids and fecal coliform, and the sample condition and temperature upon receipt at the contract laboratory on the chain of custody record;
 - d. By February 11, 2008, replaced the bar screen motor and removed the wastewater and debris which had been deposited in the adjacent area as a result of its malfunction;
 - e. By February 13, 2008, repaired the pumps at the Navy Base North and 11th & Burton lift stations;
 - f. By February 13, 2008, repaired and secured the gate at the Sikes lift station and repaired the fence at the Navy Base North lift station;
 - g. By February 25, 2008, cleaned the sludge drying beds, balanced the arms of the south trickling filter, unclogged the spray nozzles on the north trickling filter, replaced the skimmer arm wiper blades on the west primary clarifier, and began an alternate method of grit removal by using existing larger pumps located at the end of the primary clarifier;
 - h. By March 7, 2008, installed audiovisual alarm systems at each of the five lift stations which were missing a horn, a flashing red light, or both; and
 - i. By March 7, 2008, submitted copies of the 2005, 2006, and 2007 Outfall 002 discharge reports.
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 report an unauthorized discharge orally or by facsimile transmission within 24 hours and in writing within five working days of becoming aware of the noncompliance, in violation of 30 TEX. ADMIN. CODE § 305.125(9) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 7, as documented during an investigation conducted on January 28, 2008. Specifically, the City's operator records documented an overflow from the headworks of the Facility on January 10, 2008, but a noncompliance notification was not submitted to the TCEQ as required.
2. Failed to prevent an unauthorized discharge into or adjacent to water in the state, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(4) and (5), and TPDES Permit No. WQ0010626001, Operational Requirements No. 1 and Permit Conditions No. 2.g, as documented during an investigation conducted on January 28, 2008. Specifically, on January 10, 2008, the motor serving the automatic bar screen malfunctioned, resulting in a discharge of approximately 300 gallons of wastewater and debris onto the Facility grounds.
3. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, the vortex de-gritter was inoperable, the distribution arms on the south trickling filter were out of balance, the sludge drying beds were full of dried sludge and weeds, the spray nozzles on the north trickling filter were clogged, and the west primary clarifier skimmer arm was not fitted with wiper blades.
4. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(4) and (5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, the investigator observed that the roll-off box containing debris collected by the bar screen was leaking.
5. Failed to properly operate and maintain the Facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE § 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, the center rings in the west primary clarifier and in

final clarifier #2 were out of level, causing short-circuiting in the units and the final clarifiers were moderately to severely corroded.

6. Failed to equip the Cove Addition lift station with a forced air ventilation system for the dry well below the ground surface, in violation of 30 TEX. ADMIN. CODE § 317.3(b)(6)(B), as documented during an investigation conducted on January 28, 2008.
7. Failed to provide an audiovisual alarm system at each lift station, in violation of 30 TEX. ADMIN. CODE §§ 317.3(e)(5) and 305.125(5) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, an audio alarm was not provided at the Tulane, Sikes Road, Cove Addition, and 11th Street & Burton Avenue lift stations. Additionally, the visual alarms at the 11th Street & Burton Avenue and Cove Addition lift stations were inoperable and the Navy Base North lift station was not equipped with either an audio or visual alarm.
8. Failed to employ a licensed operator who holds a license class equal to or higher than the category of the collection system, in violation of 30 TEX. ADMIN. CODE §§ 30.350(n) and 305.125(1), and TPDES Permit No. WQ0010626001, Other Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, the operator who is responsible for operating and maintaining the City's Class III collection system has a Collection System Class II license.
9. Failed to properly operate and maintain the facility and all of its systems of collection, treatment, and disposal, in violation of 30 TEX. ADMIN. CODE §§ 305.125(5) and 317.3(b)(1) and TPDES Permit No. WQ0010626001, Operational Requirements No. 1, as documented during an investigation conducted on January 28, 2008. Specifically, one of two pumps at the Navy Base North lift station was inoperable and one of three pumps at the 11th & Burton lift station was inoperable. Standby pumps had not been provided for the inoperable pumps.
10. Failed to maintain complete records of each measurement or sample taken, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.7(a) and TPDES Permit No. WQ0010626001, Monitoring and Reporting Requirements No. 3, as documented during an investigation conducted on January 28, 2008. Specifically, records were not available for the time the pH and dissolved oxygen meters were calibrated, the accuracy certification for the sample refrigerator thermometer, the quality assurance data for total suspended solids and fecal coliform, and the sample condition and temperature upon receipt at the contract laboratory on the chain of custody record.
11. Failed to provide the TCEQ Beaumont Regional Office during September of 2005, 2006, and 2007 with a record of the date, average flow and duration of each discharge from Outfall 002, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. WQ0010626001, Other Requirements No. 10, as documented during an investigation conducted on January 28, 2008. Specifically, the required reports were submitted to the Enforcement Division in Austin, but not to the Beaumont Regional Office.
12. Failed to ensure that lift stations are intruder-resistant with a controlled access, in violation of 30 TEX. ADMIN. CODE § 317.3(a), as documented during an investigation conducted on January 28, 2008. Specifically, the gate at the Sikes Road lift station was bent and damaged and left in the open position with no lock and chain, and the fencing at the Navy Base North lift station was damaged to the point of allowing access.

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 Orange, Docket No. 2008-0533-MWD-E" to:

Financial Administration Division, Revenues Section
Attention: Cashier's Office, MC 214
Texas Commission on Environmental Quality
P.O. Box 13088
Austin, Texas 78711-3088
2. The City shall implement and complete a SEP in accordance with TEX. WATER CODE § 7.067. As set forth in Section I, Paragraph 6 in Jurisdiction and stipulations above, Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844) of the assessed administrative penalty shall be offset with the condition that the City implement the SEP defined in Attachment A, incorporated herein by reference. The City's obligation to pay the conditionally offset portion of the administrative penalty assessed shall be discharged upon final completion of all provisions of the SEP agreement.
3. It is further ordered that the City shall undertake the following technical requirements:
 - a. Within 30 days after the effective date of this Agreed Order, employ a licensed Class III collection system operator;
 - b. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.a, as described in Ordering Provision No. 3.g below;
 - c. Within 60 days after the effective date of this Agreed Order, complete the necessary repairs or replacements in the West Primary Clarifier and Final Clarifier #2 to prevent short-circuiting and institute a means to address the corroded areas in the final clarifiers;
 - d. Within 75 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.c, as described in Ordering Provision No. 3.g below;

- e. Within 90 days after the effective date of this Agreed Order, equip the Cove Addition lift station with a forced air ventilation system for the dry well below the ground surface, in accordance with 30 TEX. ADMIN. CODE § 317.3(b)(6)(B);
- f. Within 105 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision No. 3.e, as described in Ordering Provision No. 3.g below; and
- g. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 3.a, 3.c, and 3.e. 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
Beaumont Regional Office
Texas Commission on Environmental Quality
3870 Eastex Freeway
Beaumont, Texas 77703-1892

- 4. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
- 5. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.

6. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
7. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
8. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
9. Under 30 TEX. ADMIN. CODE § 70.10(b), the effective date is the date of hand-delivery of the Order to the City, or three days after the date on which the Commission mails notice of the Order to the City, whichever is earlier. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties.

City of Orange
DOCKET NO. 2008-0533-MWD-E
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SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission

John S. Oliver
For the Executive Director

11/24/2008
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.

Sam Oub
Signature

8/28/08
Date

Shawn Oub
Name (Printed or typed)
Authorized Representative of
City of Orange

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.

Attachment A
Docket Number: 2008-0533-MWD-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent:	City of Orange
Payable Penalty Amount:	Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844)
SEP Amount:	Forty-Six Thousand Eight Hundred Forty-Four Dollars (\$46,844)
Type of SEP:	Pre-approved
Third-Party Recipient:	Texas Association of Resource Conservation and Development Areas, Inc. (RC&D)-Household Hazardous Waste Clean-Up
Location of SEP:	Orange County

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

1. Project Description

A. Project

The Respondent shall contribute the SEP Amount to the Third-Party Recipient pursuant to the agreement between the Third-Party Recipient and the TCEQ. Specifically, the contribution will be used to provide local residents with a means of properly disposing household hazardous wastes such as paint, thinners, pesticides, oil and gas, corrosive cleaners, and fertilizers in one day collection events. SEP monies will be used to pay for the associated labor, materials, and disposal costs. Citizens will not be charged disposal fees. The project is administered in accordance with TCEQ guidance on household hazardous waste and in compliance with federal, state, and local environmental laws and regulations. All dollars contributed will be used solely for the direct cost of the project and no portion will be spent on administrative costs.

The Respondent certifies that there is no prior commitment to do this project and that it is being performed solely in an effort to settle this enforcement action.

B. Environmental Benefit

This SEP will provide a discernible environmental benefit by providing a means of properly disposing household hazardous waste which might otherwise be disposed of in storm drains, the sewage system, or other means detrimental to the environment.

C. Minimum Expenditure

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

2. Performance Schedule

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

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

3. Records and Reporting

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

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

4. Failure to Fully Perform

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

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

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

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

5. Publicity

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

6. Clean Texas Program

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

7. Other SEPs by TCEQ or Other Agencies

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

