

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.: 2009-1021-MWD-E TCEQ ID: RN101613313 CASE NO.: 37904**

**RESPONDENT NAME: City of Canadian**

<b>ORDER TYPE:</b>		
<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	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Canadian WWTP, located northeast of the City of Canadian, approximately 0.5 mile east of United States Highway 60 and one mile north of Farm-to-Market Road 2388 at the east end of the fairgrounds, Hemphill County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on November 2, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>  <b>TCEQ Attorney/SEP Coordinator:</b> None  <b>TCEQ Enforcement Coordinator:</b> Mr. Steve Villatoro, Enforcement Division, Enforcement Team 1, MC 169, 512-239-4930; Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387  <b>Respondent:</b> The Honorable John Baker, Mayor, City of Canadian, 6 Main Street, Canadian, Texas 79014                  Mr. Colby W. Waters, City Manager, City of Canadian, 6 Main Street, Canadian, Texas 79014  <b>Respondent's Attorney:</b> Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> May 20, 2009</p> <p><b>Date of NOV/NOE Relating to this Case:</b> June 26, 2009 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permit effluent limits for ammonia nitrogen [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014259001, Final Effluent Limitations and Monitoring Requirements No. 1].</p> <p>2) Failure to monitor for each parameter at the frequency specified in the permit. Specifically, the Respondent did not collect and analyze samples for total ammonia nitrogen and carbonaceous biochemical oxygen demand for the monitoring periods ending October 31, 2008 and November 30, 2008 [30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014259001, Monitoring and Reporting Requirements No. 1].</p> <p>3) Failure to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014259001, Sludge Provisions].</p>	<p><b>Total Assessed:</b> \$4,400</p> <p><b>Total Deferred:</b> \$880  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,520</p> <p><b>Site Compliance History Classification</b>  <input checked="" type="checkbox"/> High <input type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to:</p> <p>a. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Update the Facility's operations guidance to ensure that all effluent parameters, including total ammonia nitrogen and carbonaceous biochemical oxygen demand, are monitored at the frequency specified in the permit; and</p> <p>ii. Submit the annual sludge report for the monitoring period ending July 31, 2008.</p> <p>b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision a;</p> <p>c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014259001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TPDES Permit No. WQ0014259001



Policy Revision 2 (September 2002)

## Penalty Calculation Worksheet (PCW)

PCW Revision October 30, 2008

<b>ICEQ</b>	<b>DATES</b>	<b>Assigned</b>	29-Jun-2009	<b>Screening</b>	1-Jul-2009	<b>EPA Due</b>	
	<b>PCW</b>		2-Jul-2009				

<b>RESPONDENT/FACILITY INFORMATION</b>			
<b>Respondent</b>	City of Canadian		
<b>Reg. Ent. Ref. No.</b>	RN101613313		
<b>Facility/Site Region</b>	1-Amarillo	<b>Major/Minor Source</b>	Minor

<b>CASE INFORMATION</b>			
<b>Enf./Case ID No.</b>	37904	<b>No. of Violations</b>	3
<b>Docket No.</b>	2009-1021-MWD-E	<b>Order Type</b>	1660
<b>Media Program(s)</b>	Water Quality	<b>Government/Non-Profit</b>	Yes
<b>Multi-Media</b>		<b>Enf. Coordinator</b>	Steve Villabro
		<b>EC's Team</b>	Enforcement Team 1
<b>Admin. Penalty \$ Limit Minimum</b>	\$0	<b>Maximum</b>	\$10,000

<b>Penalty Calculation Section</b>			
<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<b>Subtotal 1</b>		\$4,000
<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>			
<small>Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the Indicated percentage.</small>			
<b>Compliance History</b>	10.0% Enhancement	<b>Subtotals 2, 3, &amp; 7</b>	\$400
<b>Notes</b>	The penalty is enhanced due to two self-reported monthly effluent violations.		
<b>Culpability</b>	No 0.0% Enhancement	<b>Subtotal 4</b>	\$0
<b>Notes</b>	The Respondent does not meet the culpability criteria.		
<b>Good Faith Effort to Comply Total Adjustments</b>		<b>Subtotal 5</b>	\$0
<b>Economic Benefit</b>	0.0% Enhancement	<b>Subtotal 6</b>	\$0
	Total EB Amounts \$436 Approx. Cost of Compliance \$5,400	<small>*Capped at the Total EB \$ Amount</small>	
<b>SUM OF SUBTOTALS 1-7</b>	<b>Final Subtotal</b>		\$4,400
<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<b>Adjustment</b>	\$0
<small>Reduces or enhances the Final Subtotal by the indicated percentage.</small>			
<b>Notes</b>			
	<b>Final Penalty Amount</b>		\$4,400
<b>STATUTORY LIMIT ADJUSTMENT</b>		<b>Final Assessed Penalty</b>	\$4,400
<b>DEFERRAL</b>	20.0% Reduction	<b>Adjustment</b>	-\$880
<small>Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)</small>			
<b>Notes</b>	Deferral offered for expedited settlement.		
<b>PAYABLE PENALTY</b>			\$3,520

**Screening Date** 1-Jul-2009

**Docket No.** 2009-1021-MWD-E

**PCW**

**Respondent** City of Canadian

Policy Revision 2 (September 2002)

**Case ID No.** 37904

PCW Revision October 30, 2008

**Reg. Ent. Reference No.** RN101613313

**Media [Statute]** Water Quality

**Enf. Coordinator** Steve Villatoro

### 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>	2	10%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability <i>(number of orders meeting criteria)</i>	0	0%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government <i>(number of judgements or consent decrees meeting criteria)</i>	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government <i>(number of counts)</i>	0	0%
Emissions	Chronic excessive emissions events <i>(number of events)</i>	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which notices were submitted)</i>	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 <i>(number of audits for which violations were disclosed)</i>	0	0%

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)** 10%

>> **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 penalty is enhanced due to two self-reported monthly effluent violations.

**Total Adjustment Percentage (Subtotals 2, 3, & 7)** 10%

<b>Screening Date:</b> 1-Jul-2009	<b>Docket No.:</b> 2009-1021-MWD-E	<b>PCW</b>
<b>Respondent:</b> City of Canadian	Policy Revision 2 (September 2002)	
<b>Case ID No.:</b> 37904	PCW Revision October 30, 2008	
<b>Reg. Ent. Reference No.:</b> RN101613313		
<b>Media [Statute]:</b> Water Quality		
<b>Enf. Coordinator:</b> Steve Villatoro		
<b>Violation Number:</b> 1		

<b>Rule Cite(s):</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.126(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014259001, Final Effluent Limitations and Monitoring Requirements No. 1
<b>Violation Description:</b>	Failed to comply with permit effluent limits, as documented during a record review conducted on May 20, 2009 and shown in the attached table.

Base Penalty

>> Environmental, Property and Human Health Matrix

OR	Harm			Percent <input type="text" value="10%"/>	
	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"/>		

>> Programmatic Matrix

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

**Matrix Notes:**  
 A simplified model was used to evaluate total ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Flow was also considered. As a result of these discharges, human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed levels protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events   Number of violation days

mark only one with an x	daily	<input type="text"/>
	weekly	<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

One quarterly event is recommended.

Good Faith Efforts to Comply  Reduction

	Before NOV	NOV to EDRP/Settlement Offer
Extraordinary	<input type="text"/>	<input type="text"/>
Ordinary	<input type="text"/>	<input type="text"/>
N/A	<input checked="" type="checkbox"/>	(mark with x)

**Notes:**  
 The Respondent does not meet the good faith criteria for this violation.

Violation Subtotal

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 Canadian  
**Case ID No.:** 37904  
**Reg. Ent. Reference No.:** RN101613313  
**Media:** Water Quality  
**Violation No.:** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction	\$5,000	31-Jan-2009	31-Mar-2010	1.16	\$19	\$387	\$407
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated costs to determine the cause of non-compliance and to implement corrective actions. Date required is the first date of non-compliance. Final date is the expected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling				0.00	\$0	\$0	\$0
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$5,000

**TOTAL**

\$407

<b>Screening Date:</b> 1-Jul-2009	<b>Docket No.:</b> 2009-1021-MWD-E	<b>PCW</b>		
<b>Respondent:</b> City of Canadian	<i>Policy Revision 2 (September 2002)</i>			
<b>Case ID No.:</b> 37904	<i>PCW Revision October 30, 2008</i>			
<b>Reg. Ent. Reference No.:</b> RN101613313				
<b>Media [Statute]:</b> Water Quality				
<b>Enf. Coordinator:</b> Steve Villatoro				
<b>Violation Number:</b> 2				
<b>Rule Cite(s):</b> 30 Tex. Admin. Code §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014259001, Monitoring and Reporting Requirements No. 1.				
<b>Violation Description:</b>	Failed to monitor for each parameter at the frequency specified in the permit, as documented during a record review conducted on May 20, 2009. Specifically, the Respondent did not collect and analyze samples for total ammonia nitrogen and carbonaceous biochemical oxygen demand for the monitoring periods ending October 31, 2008 and November 30, 2008.			
<b>Base Penalty:</b>		\$10,000		
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>				
OR	Harm			
	Release	Major	Moderate	Minor
	Actual			
	Potential		x	
				<b>Percent:</b> 10%
<b>&gt;&gt; Programmatic Matrix</b>				
	Falsification	Major	Moderate	Minor
				<b>Percent:</b> 0%
<b>Matrix Notes:</b>	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.			
<b>Adjustment:</b>				\$9,000
				\$1,000
<b>Violation Events</b>				
<b>Number of Violation Events:</b>		2	<b>Number of violation days:</b> 244	
<i>mark only one with an x</i>	daily			
	weekly			
	monthly			
	quarterly			
	semiannual			
	annual			
	single event	x		
				<b>Violation Base Penalty:</b> \$2,000
Two single events are recommended.				
<b>Good Faith Efforts to Comply</b>		0.0% Reduction	\$0	
		Before NOV	NOV to EDPRP/Settlement Offer	
Extraordinary				
Ordinary				
N/A	x	(mark with x)		
<b>Notes:</b>	The Respondent does not meet the good faith criteria for this violation.			
<b>Violation Subtotal:</b>				\$2,000
<b>Economic Benefit (EB) for this violation</b>		<b>Statutory Limit Test</b>		
<b>Estimated EB Amount:</b> \$20		<b>Violation Final Penalty Total:</b> \$2,200		
<b>This violation Final Assessed Penalty (adjusted for limits):</b>				\$2,200

## Economic Benefit Worksheet

**Respondent** City of Canadian  
**Case ID No.** 37904  
**Reg. Ent. Reference No.** RN101613313  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling	\$250	31-Oct-2008	31-Jan-2010	1.25	\$16	n/a	\$16
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)				0.00	\$0	n/a	\$0

**Notes for DELAYED costs**  
 Estimated cost to update operational guidance to ensure sampling for total ammonia nitrogen and carbonaceous biochemical oxygen demand is conducted. Date required is the first date of non-compliance. Final date is the expected date of compliance.

### Avoided Costs

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

Disposal				0.00	\$0	\$0	\$0
Personnel				0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling	\$50	31-Oct-2008	30-Nov-2008	0.08	\$0	\$4	\$4
Supplies/equipment				0.00	\$0	\$0	\$0
Financial Assurance [2]				0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0

**Notes for AVOIDED costs**  
 Estimated cost that was avoided by failure to analyze the required parameters. Date required is the first date of non-compliance. Final date is the last date of non-compliance.

Approx. Cost of Compliance	\$300	<b>TOTAL</b>	\$20
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<b>Screening Date</b>	1-Jul-2009	<b>Docket No.</b>	2009-1021-MWD-E	<b>PCW</b>	
<b>Respondent</b>	City of Canadian	Policy Revision 2 (September 2002)			
<b>Case ID No.</b>	37904	PCW Revision October 30, 2008			
<b>Reg. Ent. Reference No.</b>	RN101613313				
<b>Media [Statute]</b>	Water Quality				
<b>Enf. Coordinator</b>	Steve Villatoro				
<b>Violation Number</b>	3				
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.126(17) and JPDES Permit No. WQ0014259001, Sludge Provisions				
<b>Violation Description</b>	Failed to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008, as documented during a record review conducted on May 20, 2009.				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
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%"/>	
<b>&gt;&gt; Programmatic Matrix</b>					
		Falsification	Major	Moderate	Minor
		<input type="text"/>	<input checked="" type="text" value="x"/>	<input type="text"/>	<input type="text"/>
				Percent <input type="text" value="10%"/>	
Matrix Notes	100% of rule requirement not met.				
<b>Adjustment</b>				\$9,000	
				\$1,000	
<b>Violation Events</b>					
Number of Violation Events		<input type="text" value="1"/>	Number of violation days		
		<input type="text" value="336"/>			
mark only one with an x	daily	<input type="text"/>			
	weekly	<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" value="x"/>			
				<b>Violation Base Penalty</b>	
				\$1,000	
One single event is recommended.					
<b>Good Faith Efforts to Comply</b>					
		<input type="text" value="0.0%"/>	Reduction	\$0	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	<input type="text"/>	<input type="text"/>			
Ordinary	<input type="text"/>	<input type="text"/>			
N/A	<input checked="" type="text" value="x"/>	(mark with x)			
Notes	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$1,000	
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
Estimated EB Amount		<input type="text" value="\$10"/>	Violation Final Penalty Total		
			\$1,100		
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$1,100	

## Economic Benefit Worksheet

**Respondent** City of Canadian  
**Case ID No.** 37904  
**Reg. Ent. Reference No.** RN101813313  
**Media** Water Quality  
**Violation No.** 3

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment			0.00	\$0	\$0	\$0
Buildings			0.00	\$0	\$0	\$0
Other (as needed)	1-Sep-2008	31-Jan-2010	1.42	\$0	\$9	\$10
Engineering/construction			0.00	\$0	\$0	\$0
Land			0.00	\$0	n/a	\$0
Record Keeping System			0.00	\$0	n/a	\$0
Training/Sampling			0.00	\$0	n/a	\$0
Remediation/Disposal			0.00	\$0	n/a	\$0
Permit Costs			0.00	\$0	n/a	\$0
Other (as needed)			0.00	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge report. Date required is date the report was due. Final date is the expected date of compliance.

### Avoided Costs

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

Item Description	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal			0.00	\$0	\$0	\$0
Personnel			0.00	\$0	\$0	\$0
Inspection/Reporting/Sampling			0.00	\$0	\$0	\$0
Supplies/equipment			0.00	\$0	\$0	\$0
Financial Assurance [2]			0.00	\$0	\$0	\$0
ONE-TIME avoided costs [3]			0.00	\$0	\$0	\$0
Other (as needed)			0.00	\$0	\$0	\$0

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

**TOTAL**

\$10

EFFLUENT VIOLATION TABLE		
City of Canadian		
TPDES Permit No. WQ0014259001		
Docket No. 2009-1021-MWD-E		
Months	Total Ammonia Nitrogen Daily Avg. Conc.	Total Ammonia Nitrogen Daily Max. Conc.
	Limit = 6 mg/L	Limit = 15 mg/L
1/31/2009	8.88	c
2/28/2009	13.46	15.4

Max. = Maximum

Avg. = average

mg/L. = milligrams per liter

Conc. = concentration

c = compliant



# Compliance History Report

Customer/Respondent/Owner-Operator: CN600244172 City of Canadian Classification: AVERAGE Rating: 1.51  
Regulated Entity: RN101613313 CITY OF CANADIAN WWTP Classification: HIGH Site Rating: 0.05  
ID Number(s): WASTEWATER PERMIT WQ0014259001  
WASTEWATER PERMIT TPDES0053961  
WASTEWATER PERMIT TX0053961  
Location: located northeast of the City of Canadian, approximately 0.5 mile east of United States Highway 60 and one mile north of Farm-to-Market Road 2388 at the east end of the fairgrounds in Hemphill County, Texas  
TCEQ Region: REGION 01 - AMARILLO  
Date Compliance History Prepared: July 03, 2009  
Agency Decision Requiring Compliance History: Enforcement  
Compliance Period: July 01, 2004 to July 01, 2009

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

Name: Steve Villatoro Phone: 512-239-4930

## Site Compliance History Components

1. Has the site been in existence and/or operation for the full five year compliance period? No
2. Has there been a (known) change in ownership/operator of the site during the compliance period? No
3. If Yes, who is the current owner/operator? N/A
4. If Yes, who was/were the prior owner(s)/operator(s) ? N/A
5. When did the change(s) in owner or operator occur? N/A
6. Rating Date: 9/1/2008 Repeat Violator: NO

## Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.

N/A

- B. Any criminal convictions of the state of Texas and the federal government.

N/A

- C. Chronic excessive emissions events.

N/A

- D. The approval dates of investigations. (CCEDS Inv. Track. No.)

1	07/14/2004	(356739)
2	08/09/2004	(356740)
3	09/17/2004	(356741)
4	10/14/2004	(356742)
5	11/29/2004	(384445)
6	12/31/2004	(384446)
7	02/21/2005	(384443)
8	03/31/2005	(384444)
9	04/06/2005	(443319)
10	05/04/2005	(379618)
11	05/05/2005	(443320)
12	06/20/2005	(443321)
13	07/18/2005	(443325)
14	07/19/2005	(443322)
15	08/19/2005	(443323)
16	09/06/2005	(443324)
17	12/22/2005	(473102)
18	12/22/2005	(473103)
19	12/22/2005	(473104)



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 CANADIAN  
RN101613313

§  
§  
§  
§  
§

BEFORE THE  
TEXAS COMMISSION ON  
ENVIRONMENTAL QUALITY

AGREED ORDER  
DOCKET NO. 2009-1021-MWD-E

I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a wastewater treatment plant located northeast of the City of Canadian, approximately 0.5 mile east of United States Highway 60 and one mile north of Farm-to-Market Road 2388 at the east end of the fairgrounds in Hemphill 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 July 1, 2009.
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 Four Thousand Four Hundred Dollars (\$4,400) is assessed by the Commission in settlement of the violations alleged in Section II ("Allegations"). The City has paid Three Thousand Five Hundred Twenty Dollars (\$3,520) of the administrative penalty and Eight Hundred Eighty Dollars (\$880) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.
7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
10. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
11. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to comply with permit effluent limits, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0014259001, Final Effluent Limitations and Monitoring Requirements No. 1, as documented during a record review conducted on May 20, 2009, as shown in the table below:

EFFLUENT VIOLATION TABLE		
Months	Total Ammonia Nitrogen Daily Avg. Conc.	Total Ammonia Nitrogen Daily Max Conc.
	Limit = 6 mg/L	Limit = 15 mg/L
1/31/2009	8.88	c
2/28/2009	13.46	15.4

Max. = Maximum  
Avg. = average  
mg/L = milligrams per liter  
Conc. = concentration  
c = compliant

- Failed to monitor for each parameter at the frequency specified in the permit, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 319.5(b) and TPDES Permit No. WQ0014259001, Monitoring and Reporting Requirements No. 1, as documented during a record review conducted on May 20, 2009. Specifically, the City did not collect and analyze samples for total ammonia nitrogen and carbonaceous biochemical oxygen demand for the monitoring periods ending October 31, 2008 and November 30, 2008.
- Failed to submit the annual sludge report for the monitoring period ending July 31, 2008, by September 1, 2008, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0014259001, Sludge Provisions, as documented during a record review conducted on May 20, 2009.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

- It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Canadian, Docket No. 2009-1021-MWD-E" to:

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

2. It is further ordered that the City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Agreed Order:
- i. Update the Facility's operations guidance to ensure that all effluent parameters, including total ammonia nitrogen and carbonaceous biochemical oxygen demand, are monitored at the frequency specified in the permit; and
  - ii. Submit the annual sludge report for the monitoring period ending July 31, 2008, to:

TPDES Compliance Monitoring  
Enforcement Division, MC 224  
Texas Commission on Environmental Quality  
P.O. Box 13087  
Austin, Texas 78711-3088

- b. Within 45 days after the effective date of this Agreed Order, submit certification of compliance with Ordering Provision No. 2.a. The certification shall be in accordance with Ordering Provision No. 2.d below;
- c. Within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the permitted effluent limitations of TPDES Permit No. WQ0014259001, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be in accordance with Ordering Provision No. 2.d below; and
- d. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with Ordering Provision Nos. 2.a and 2.c. The certification shall be notarized by a State of Texas Notary Public and include the following certification language:

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

The certification shall be submitted to:

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

with a copy to:

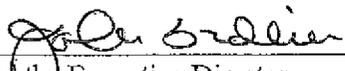
Water Section, Manager  
Amarillo Regional Office  
Texas Commission on Environmental Quality  
3918 Canyon Drive  
Amarillo, Texas 79109-4933

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

## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

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

\_\_\_\_\_  
Date 10/9/2009

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

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

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

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

  
\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date 8-24-09

Colby W. Waters  
\_\_\_\_\_  
Name (Printed or typed)  
Authorized Representative of  
City of Canadian

\_\_\_\_\_  
Title City Manager

**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.