

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2007-1123-MLM-E TCEQ ID: RN102186533 AND RN101389104 CASE NO.: 34370

RESPONDENT NAME: CITY OF CISCO

ORDER TYPE:		
<input type="checkbox"/> 1660 AGREED ORDER	<input checked="" type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	

CASE TYPE:		
<input type="checkbox"/> AIR	<input checked="" type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input checked="" type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION

SITE WHERE VIOLATION(S) OCCURRED: Approximately 1,900 feet east and 4,500 feet north of the intersection of U.S. Highway 183 and U.S. Highway 80 (Wastewater treatment facility - Facility A); and 400 feet west of S.H. 6 and approximately 800 feet downstream of Lake Cisco Dam, and approximately 3.5 miles north of the intersection of U.S. Highway 80 and S.H. 6 (Public water supply - Facility B).

TYPE OF OPERATION: Wastewater treatment facility and public water supply

SMALL BUSINESS: Yes No

OTHER SIGNIFICANT MATTERS: One complaint was received on May 1, 2007, in which the complainant alleged that a City of Cisco manhole had overflowed onto their property. There is no record of additional pending enforcement actions regarding this facility location.

INTERESTED PARTIES: The complainant has not indicated a desire to protest this action or speak at Agenda. No one other than the ED and the Respondent has expressed an interest in this matter.

COMMENTS RECEIVED: The *Texas Register* comment period expired on November 3, 2008. No comments were received.

CONTACTS AND MAILING LIST:

TCEQ Attorney: Ms. Mary R. Risner, Litigation Division, MC 175, (512) 239-6224
 Ms. Lena Roberts, Litigation Division, MC 175, (512) 239-0019
SEP Coordinator: Ms. Sharon Blue, Litigation Division, MC 175, (512) 239-2223
TCEQ Enforcement Coordinator: Mr. Tom Jecha, Air Enforcement Section, MC 149, (512) 239-2576
TCEQ Regional Contact: Mr. Cliff Moore, Abilene Regional Office, MC R-3, (325) 698-6115
Respondent: The Honorable Hal Porter, Mayor, City of Cisco, P.O. Box 110, Cisco, TX 76437
Respondent's Attorney: Not represented by counsel on this enforcement matter.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation:</p> <p><input checked="" type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date of Complaint Relating to this Case: May 1, 2007</p> <p>Dates of Investigations Relating to this Case: June 11, 2006; May1, June 21, and August 2, 2007</p> <p>Dates of NOEs Relating to this Case: June 22 and July 5, 2007</p> <p>Background Facts: Settlement was achieved prior to the filing of an EDPRP. An Agreed Order was signed on August 29, 2008.</p> <p>MLM:</p> <ol style="list-style-type: none"> Failed to maintain authorization to discharge wastewater at Facility A under TPDES Permit No. 10424001 [30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TPDES Permit No. 10424001, Permit Condition No. 4.c]. Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state from Facility A [TEX. WATER CODE § 26.121(a)]. Failed to comply with its permitted effluent limitations at Facility A [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 10424001, Effluent Limitations and Monitoring Requirements No. 1]. Failed to maintain, at Facility B, the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"); to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month; and to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours [30 TEX. ADMIN. CODE §§ 290.110(b)(1) and (f)(4) and 290.111(b)(1)(A)(i) and (ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c)]. 	<p>Total Assessed: \$29,235</p> <p>Total Deferred: \$29,235 <input type="checkbox"/> Expedited Order <input type="checkbox"/> Financial Inability to Pay. <input checked="" type="checkbox"/> SEP Conditional Offset</p> <p>Total Due to General Revenue: \$0</p> <p>The assessed penalty shall be conditionally offset by the completion of a Supplemental Environmental Project (SEP).</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 (Public Water Supply)</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (Wastewater Treatment Facility)</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Order Justification: Three repeated enforcement actions over the prior 5-year period for the same violation (violation number 4).</p>	<p>Corrective Actions Taken:</p> <p>The Executive Director recognizes that the Respondent has implemented the following corrective measures at Facility A:</p> <ol style="list-style-type: none"> On April 3, 2007, cleaned and disinfected the affected areas involved in the discharge of 100 gallons of wastewater from the 1601 Mancill manhole. On April 16, 2007, cleaned and disinfected the affected areas involved in the discharge of 500 gallons of wastewater from the 401 East 18th Street manhole. On May 1, 2007, cleaned and disinfected the affected areas involved in the discharge of 50 gallons of wastewater from the 401 East 18th Street manhole; and On March 1, 2007, returned to compliance with effluent limits established in expired TPDES Permit No. 10424001 by injecting apple blossom enzymes to assist with stabilization of solids. <p>The Executive Director recognizes that by June 1, 2006, at Facility B, the Respondent maintained the turbidity level of the combined filter effluent so as not to exceed 1.0 NTU, the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month, and provided proper disinfection.</p> <p>Technical Requirements:</p> <p>The Respondent shall complete a pre-approved Supplement Environmental Project involving the Cleanup of Unauthorized Trash Dumps.</p> <p>The Respondent shall undertake the following technical requirements:</p> <ol style="list-style-type: none"> Immediately, and until such time as authorization to operate is obtained or until 300 days after the effective date of the Commission Order, whichever is earlier, the Respondent shall comply with the permit limits in expired TPDES Permit No. 10424001.

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
		<ol style="list-style-type: none"><li data-bbox="1081 338 1573 428">2. Within 30 days:<ol style="list-style-type: none"><li data-bbox="1133 373 1573 428">a. Submit an administratively complete permit application for Facility A; and<li data-bbox="1133 474 1573 564">b. Respond completely and adequately to all requests for information concerning the permit application.<li data-bbox="1081 590 1573 730">3. Within 300 days, submit written certification demonstrating that either authorization to operate has been obtained or that operation has ceased until such time as appropriate authorization is obtained.

Attachment A

Docket Number: 2007-1123-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Cisco
Penalty Amount: Twenty-nine thousand two hundred thirty-five dollars (\$29,235)
SEP Offset Amount: Twenty-nine thousand two hundred thirty-five dollars (\$29,235)
Type of SEP: Pre-approved SEP
Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Cleanup of Unauthorized Trash Dumps*
Location of SEP: Eastland County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Cleanup of Unauthorized Trash Dumps project. Any remaining SEP funds after completion of the Trash Dumps Cleanup may, upon approval of the Executive Director, be spent on another approved RC&D project to be conducted within Eastland County. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, antifreeze recycling, or other approved project. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action. The Respondent certifies that it will not in any manner receive a monetary benefit from this SEP.

B. Environmental Benefit

The clean up of unauthorized trash dumps project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order along with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. **Records and Reporting**

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for 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 June 26, 2007

TCEQ DATES	Assigned	2-Jul-2007		
	PCW	23-Aug-2007	Screening	12-Jul-2007
		EPA Due		

RESPONDENT/FACILITY INFORMATION			
Respondent	City of Cisco		
Reg. Ent. Ref. No.	RN102186533		
Facility/Site/Region	3-Abilene	Major/Minor Source	Minor

CASE INFORMATION			
Ent./Case ID No.	34370	No. of Violations	3
Docket No.	2007-1123-MLM-E	Order Type	Findings
Media Program(s)	Water Quality	Ent. Coordinator	Laurie Eaves
Multi-Media		EC's Team	Enforcement Team #1
Admin. Penalty \$	Limit-Minimum	\$0	Maximum
			\$10,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) **Subtotal 1:** \$10,000

ADJUSTMENTS (+/-) TO SUBTOTAL

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

Compliance History: 150% Enhancement **Subtotal 2, 3 & 7:** \$15,000

Notes: The Respondent self-reported 24 months of effluent quality violations, was issued an Agreed Order containing a denial of liability and was issued two NOVs for the same or similar violations.

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

Notes: The Respondent does not meet the culpability criteria.

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

Before NOV: NOV to EDRP/Settlement Offer:

Extraordinary	<input type="checkbox"/>	
Ordinary	<input type="checkbox"/>	
N/A	<input checked="" type="checkbox"/>	(mark with x)

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

Approx. Cost of Compliance: \$8,000 0% Enhancement **Subtotal 6:** \$0

Total EB Amounts: \$363
Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 **Final Subtotal:** \$25,000

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

Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes: [Empty box]

Final Penalty Amount: \$25,000

STATUTORY LIMIT ADJUSTMENT **Final Assessed Penalty:** \$25,000

DEFERRAL 0% Reduction **Adjustment:** \$0

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

Notes: No deferral is recommended for Findings Orders.

PAYABLE PENALTY **\$25,000**

Screening Date 12-Jul-2007

Docket No. 2007-1123-MLM-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 34370

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102186533

Media [Statute] Water Quality

Enf. Coordinator Laurie Eaves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	26	130%
	Other written NOVs	0	0%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	1	20%
	Any adjudicated final enforcement orders, agreed final enforcement orders without a denial of liability, or default orders of this state or the federal government, or any final prohibitory emergency orders issued by the commission	0	0%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgments or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported 24 months of effluent quality violations, was issued an Agreed Order containing a denial of liability and was issued two NOV's for the same or similar violations.

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

Screening Date 12-Jul-2007
 Respondent City of Cisco
 Case ID No. 34370

Docket No. 2007-1123-MLM-E

PCW
 Policy Revision 2 (September 2002)
 PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102186533
 Media/Statute Water Quality
 Env. Coordinator Laurie Eaves
 Violation Number

Rule Cite(s) 30 Tex. Admin. Code §§ 305.65 and 305.125(2), and TPDES Permit No. 10424001, Permit Conditions No. 4.c.

Violation Description Failed to maintain authorization to discharge wastewater under TPDES Permit No. 10424001, as documented by an investigation conducted on June 24, 2007. Specifically, TPDES Permit No. 10424001 expired on March 1, 2007.

Base Penalty \$10,000

>> Environmental Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual				0%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
	X			10%

Matrix Notes 100% of the requirement was not met.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 5 133 Number of violation days

mark only one with an x

daily	
monthly	X
quarterly	
semiannual	
annual	
single event	

Violation Base Penalty \$5,000

Five monthly events are recommended from the date of permit expiration on March 1, 2007 to the screening date on July 12, 2007.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$334

Violation Final Penalty Total \$12,500

This violation Final Assessed Penalty (adjusted for limits) \$12,500

Economic Benefit Worksheet

Respondent City of Cisco
 Case ID No. 34370
 Reg. Ent. Reference No. RN102186533
 Media Water Quality
 Violation No. 1

Percent Interest 5.0
 Years of Depreciation 10

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
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	\$5,000	1-Mar-2007	1-Jul-2008	1.3	\$334	n/a	\$334
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs: Estimated cost associated with submitting a new wastewater discharge permit application. Date Required is the date the permit expired. Final Date is the anticipated date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One/Time Costs	EB Amount
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 \$5,000 TOTAL \$334

Screening Date 12-Jul-2007 Docket No. 2007-1123-MLM-E PCW
 Respondent City of Cisco Policy Revision 2 (September 2002)
 Case ID No. 34370 PCW Revision June 26, 2007
 Reg. Ent. Reference No. RN102186533
 Media (Statute) Water Quality
 Enf. Coordinator Laurie Eaves
 Violation Number 2

Rule Cite(s) Tex. Water Code § 26.121(a)

Violation Description Failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state, as documented by an investigation conducted on May 1, 2007. Specifically, approximately 650 gallons of wastewater discharged from the collection system on April 3 (100 gallons from 1601 Mancill manhole), April 16 (500 gallons from 401 East 18th Street manhole) and May 1, 2007 (50 gallons from 401 East 18th Street manhole).

Base Penalty \$10,000

>> Environmental Property and Human Health Matrix

Release	Harm			Percent
	Major	Moderate	Minor	
Actual			X	10%
Potential				

>> Programmatic Matrix

Falsification	Major	Moderate	Minor	Percent
				0%

Matrix Notes Human health or the environment has been exposed to insignificant amounts of pollutants as a result of this violation.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 3 Number of violation days 3

mark only one with an x

daily	
monthly	
quarterly	
semianual	
annual	
single event	X

Violation Base Penalty \$3,000

Three single events are recommended for each day of discharge.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$10 Violation Final Penalty Total \$7,500

This violation Final Assessed Penalty (adjusted for limits) \$7,500

Economic Benefit Worksheet

Respondent City of Cisco
 Case ID No. 34370
 Reg. Ent. Reference No. RN102186523
 Media Water Quality
 Violation No. 2

Percent Interest Years of
 Depreciation
 5.0 11

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

Item Description 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
Trailering/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal	\$2,500	3-Apr-2007	1-May-2007	0.1	\$10	n/a	\$10
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost associated with cleaning and disinfecting the affected areas. Date Required is the date of the first discharge. Final Date was 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 \$2,500

TOTAL \$10

Screening Date 12-Jul-2007

Docket No. 2007-1123-MLM-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 34370

PCW Revision June 26, 2007

Reg. Ent. Reference No. RN102186533

Media (Statute) Water Quality

Enf. Coordinator Laurie Eaves

Violation Number

Rule Cite(s)

Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and TPDES Permit No. 10424001, Effluent Limitations and Monitoring Requirements No. 1

Violation Description

Failed to comply with permitted effluent limitations as detailed in the attached effluent violation table, as documented during a record review conducted on August 2, 2007.

Base Penalty \$10,000

>> Environmental Property and Human Health Matrix

OR

Harm Release Major Moderate Minor

Actual			X
Potential			

Percent 10%

>> Programmatic Matrix

Falsification Major Moderate Minor

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Percent 0%

Matrix Notes

Human health or the environment has been exposed to insignificant amounts of pollutants which do not exceed protective levels.

Adjustment \$9,000

\$1,000

Violation Events

Number of Violation Events 2

58 Number of violation days

mark only one with an x

daily	
monthly	
quarterly	X
semiannual	
annual	
single event	

Violation Base Penalty \$2,000

Two quarterly events are recommended.

Economic Benefit (EB) for this violation

Statutory Limit Test

Estimated EB Amount \$19

Violation Final Penalty Total \$5,000

This violation Final Assessed Penalty (adjusted for limits) \$5,000

Economic Benefit Worksheet

Respondent City of Cisco
 Case ID No. 34370
 Reg. Ent. Reference No. RN102186533
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

Item Description	Item Cost <small>No commas or \$</small>	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
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	1-Jun-2006	1-Mar-2007	0.7	\$19	n/a	\$19

Notes for DELAYED costs

Estimated cost associated with injecting apple blossom enzymes to assist with stabilization of solids. Date Required is the initial month of noncompliance. Final Date is the date of compliance.

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
Avoided Costs							
<small>ANNUALIZE [1] avoided costs before entering item, (except for one-time avoided costs)</small>							
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 \$19

City of Cisco
RN102186533
Effluent Violation Table

Month	Five-Day Biochemical Oxygen Demand Daily Average Concentration Permit Limit = 30 milligrams per liter
June 2006	39.53
February 2007	33

Compliance History

Customer/Respondent/Owner-Operator: CN600705883 City of Cisco Classification: AVERAGE Rating: 4.28
Regulated Entity: RN102186533 CITY OF CISCO Classification: AVERAGE Site Rating: 6.05
ID Number(s): WASTEWATER PERMIT WQ0010424001
WASTEWATER PERMIT TPDES0053716
WASTEWATER PERMIT TX0053716
WASTEWATER LICENSING LICENSE WQ0010424001
Location: Approximately 1,900 feet east and 4,500 feet north of the intersection of United States (U.S.) Highway 183 and U.S. Highway 80, Eastland County
Rating Date: 9/1/2006 Repeat Violator: NO

TCEQ Region: REGION 03 - ABILENE

Date Compliance History Prepared: August 10, 2007

Agency Decision Requiring Compliance History: Enforcement

Compliance Period: August 10, 2002 to August 10, 2007

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

Name: Laurie Eaves

Phone: 512/239-4495

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: 08/29/2003 ADMINORDER 2002-0668-MWD-E

Classification: Moderate

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

Rqmt Prov: 8(a) PERMIT

Description: Failure to meet the provisions of the 75/90 rule.

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Description: Failure to meet permit effluent limits for Biochemical Oxygen Demand.

Classification: Moderate

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

Rqmt Prov: 5 PERMIT

Description: Failure to provide an effluent flow measuring device for the wastewater treatment plant at Outfall 001.

Classification: Moderate

Citation: TWC Chapter 26 26.121

Rqmt Prov: 2g PERMIT

Description: Failure to prevent and mitigate the discharge of untreated wastewater from the bar screen area at the wastewater treatment plant.

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.11(b)

Rqmt Prov: 2 PERMIT

Description: Failure to meet the fifteen minute hold time for dissolved oxygen measurements as specified in the latest edition of "Standard Methods for the Examination of Water and Wastewater".

Classification: Minor

Citation: 30 TAC Chapter 319, SubChapter A 319.9[G]

Rqmt Prov: 1 PERMIT

Description: Failure to meet quality assurance requirements for dissolved oxygen measurements.

Classification: Moderate

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

Rqmt Prov: 1 PERMIT

Description: Failure to properly maintain the wastewater treatment plant.

Classification: Minor

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

Rqmt Prov: 1 PERMIT

CHI

Description: Failure to record, on the June 2001 and July 2001 discharge monitoring reports.

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 08/26/2002 (185432)
2 09/30/2002 (185436)
3 09/30/2002 (185433)
4 12/16/2002 (306969)
5 01/27/2003 (185440)
6 03/20/2003 (185422)
7 05/19/2003 (306958)
8 06/23/2003 (306960)
9 07/18/2003 (306962)
10 10/06/2003 (280857)
11 10/16/2003 (306963)
12 10/16/2003 (306964)
13 12/15/2003 (306966)
14 12/15/2003 (306968)
15 12/18/2003 (306970)
16 01/26/2004 (306971)
17 02/19/2004 (280854)
18 02/20/2004 (306954)
19 04/19/2004 (306955)
20 04/19/2004 (306957)
21 04/21/2004 (306953)
22 04/21/2004 (306956)
23 04/21/2004 (306965)
24 04/21/2004 (306967)
25 06/17/2004 (306959)
26 06/17/2004 (306961)
27 07/21/2004 (356673)
28 09/16/2004 (356674)
29 10/25/2004 (356675)
30 11/18/2004 (384415)
31 11/18/2004 (384416)
32 11/30/2004 (384417)
33 12/20/2004 (384418)
34 01/20/2005 (384419)
35 02/21/2005 (422358)
36 03/17/2005 (422359)
37 05/18/2005 (422360)
38 06/21/2005 (422361)
39 07/20/2005 (443289)
40 09/22/2005 (443290)
41 10/17/2005 (473060)
42 11/17/2005 (473061)
43 12/22/2005 (473062)
44 12/27/2005 (450440)
45 01/23/2006 (473063)
46 02/21/2006 (473058)
47 02/22/2006 (455941)
48 03/16/2006 (473059)
49 04/20/2006 (501319)
50 05/15/2006 (501320)
51 06/08/2006 (523570)
52 07/13/2006 (523571)
53 08/15/2006 (523572)
54 09/22/2006 (523573)
55 10/12/2006 (548487)
56 11/16/2006 (548488)
57 12/04/2006 (548490)
58 12/18/2006 (548489)
59 06/25/2007 (565074)
60 08/02/2007

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

Date: 08/31/2002 (185436)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2002 (306965)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2002 (306967)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2003 (306953)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2003 (185422)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2003 (306956)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 04/30/2003 (306958)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2003 (185433)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2003 (306964)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/29/2004 (306955)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (306957)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2004 (356673)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2004 (356674)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2004 (356675)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (384417)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2005 (422361)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 07/31/2005 (384416)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 08/31/2005 (443290)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2005 (473060)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 12/28/2005 (450440)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424-001
Description: Failure to prevent the unauthorized discharge of sewage in the 1000 block of Avenue L.

Date: 12/31/2005 (473063)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 01/31/2006 (473058)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/24/2006 (455941)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(i)[G]
Description: Failure to maintain the growth of small trees in the wastewater treatment ponds.

Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(4)
30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
TWC Chapter 26 26.121(a)(1)
TWC Chapter 26 26.121(a)(2)
TWC Chapter 26 26.121(a)(3)
TWC Chapter 26 26.121(a)[G]
TWC Chapter 26 26.121(b)
TWC Chapter 26 26.121(c)
TWC Chapter 26 26.121(d)
TWC Chapter 26 26.121(e)
TWC Chapter 26 26.121[G]
Description: Failure to prevent the unauthorized discharge of wastewater into or adjacent to any water in the state
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit effluent limits for BOD and pH based upon a twelve month record review of DMR data.

Date: 02/28/2006 (473059)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 06/30/2006 (523571)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
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

Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002) PCW Revision June 26, 2007

ICEQ DATES

Assigned	9-Jul-2007	Screening	12-Jul-2007	EPA Due	
PCW	23-Aug-2007				

RESPONDENT/FACILITY INFORMATION

Respondent	City of Cisco		
Reg. Ent. Ref. No.	RN101389104		
Facility/Site/Region	3:Abilene	Major/Minor Source	Major

CASE INFORMATION

Enf./Case ID No.	34370	No. of Violations	1
Docket No.	2007-1-123-MLM-E	Order Type	Findings
Media Program(s)	Public Water Supply	Enf. Coordinator	Laurie Eaves
Multi-Media		EC's Team	Enforcement Team 1
Admin. Penalty \$	Limit-Minimum \$50	Maximum	\$1,000

Penalty Calculation Section

TOTAL BASE PENALTY (Sum of violation base penalties) Subtotal 1 \$2,750

ADJUSTMENTS (+/-) TO SUBTOTAL 1
 Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.

Compliance History 79% Enhancement Subtotal 2, 3, & 7 \$2,172

Notes
 The Respondent self-reported ten months of effluent quality violations, was issued one Agreed Order without a denial of liability and eight NOV's (six with same or similar violations and two with unrelated violations).

Culpability No 0% Enhancement Subtotal 4 \$0

Notes
 The Respondent does not meet the culpability criteria.

Good Faith Effort to Comply 25% Reduction Subtotal 5 \$687

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

Notes
 The Respondent returned to compliance on June 1, 2006.

0% Enhancement Subtotal 6 \$0

Total EB Amounts \$629
 Approx. Cost of Compliance \$1,500
 *Capped at the Total EB \$ Amount

SUM OF SUBTOTALS 1-7 Final Subtotal \$4,235

OTHER FACTORS AS JUSTICE MAY REQUIRE Adjustment \$0
 Reduces or enhances the Final Subtotal by the indicated percentage. (Enter number only; e.g. -30 for -30%.)

Notes

Final Penalty Amount \$4,235

STATUTORY LIMIT ADJUSTMENT Final Assessed Penalty \$4,235

DEFERRAL 0% Reduction Adjustment \$0
 Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes
 No deferral is recommended for Findings Orders.

PAYABLE PENALTY \$4,235

Screening Date 12-Jul-2007

Docket No. 2007-1123-MLM-E

PCW

Respondent City of Cisco

Policy Revision 2 (September 2002)

Case ID No. 34370

PCW Revision June 25, 2007

Reg. Ent. Reference No. RN101389104

Media [Statute] Public Water Supply

Enf. Coordinator Laurie Eaves

Compliance History Worksheet

>> Compliance History Site Enhancement (Subtotal 2)

Component	Number of...	Enter Number Here	Adjust.
NOVs	Written NOVs with same or similar violations as those in the current enforcement action (number of NOVs meeting criteria)	6	30%
	Other written NOVs	12	24%
Orders	Any agreed final enforcement orders containing a denial of liability (number of orders meeting criteria)	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	1	25%
Judgments and Consent Decrees	Any non-adjudicated final court judgments or consent decrees containing a denial of liability of this state or the federal government (number of judgements or consent decrees meeting criteria)	0	0%
	Any adjudicated final court judgments and default judgments, or non-adjudicated final court judgments or consent decrees without a denial of liability, of this state or the federal government	0	0%
Convictions	Any criminal convictions of this state or the federal government (number of counts)	0	0%
Emissions	Chronic excessive emissions events (number of events)	0	0%
Audits	Letters notifying the executive director of an intended audit conducted under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which notices were submitted)	0	0%
	Disclosures of violations under the Texas Environmental, Health, and Safety Audit Privilege Act, 74th Legislature, 1995 (number of audits for which violations were disclosed)	0	0%

Please Enter Yes or No

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

Adjustment Percentage (Subtotal 2)

>> Repeat Violator (Subtotal 3)

Adjustment Percentage (Subtotal 3)

>> Compliance History Person Classification (Subtotal 7)

Adjustment Percentage (Subtotal 7)

>> Compliance History Summary

Compliance History Notes

The Respondent self-reported ten months of effluent quality violations, was issued one Agreed Order without a denial of liability and eight NOVs (six with same or similar violations and two with unrelated violations).

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

Screening Date: 12-Jul-2007 Docket No. 2007-1123-MLM-E **PCW**
 Respondent: City of Cisco Policy Revision 2 (September 2002)
 Case ID No. 34370 PCW Revision June 26, 2007
 Reg. Ent. Reference No. RN101389104
 Media/Statute: Public Water Supply
 Ent. Coordinator: Laurie Eaves
 Violation Number:

Rule Cite(s) 30 Tex. Admin. Code §§ 290.110(b)(1), 290.110(f)(4), 290.111(b)(1)(A)(i) and 290.111(b)(1)(A)(ii), and Tex. Health & Safety Code § 341.0315(c)

Violation Description Failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit (NTU), to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month and to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, the turbidity level of the combined filter effluent was greater than 1.0 NTU during two days in May 2004, one day during July 2004, two days in August 2004, one day during September 2004, and one day in May 2006; the turbidity levels of the combined filter effluent were less than or equal to the 0.3 NTU limit in 94.1% of the samples taken in the month of July 2004; and a low concentration-time (the product of disinfectant concentration and effective contact time) was documented for more than four consecutive hours for two days in September 2004.

Base Penalty

Environmental Property and Human Health Matrix

OR

Release	Harm			Percent
	Major	Moderate	Minor	
Actual	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="text" value="50%"/>
Potential	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

>> Programmatic Matrix

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

Matrix Notes Failure to maintain the required turbidity levels could expose customers of the water supply to a significant amount of contaminants which would exceed levels that are protective of human health.

Adjustment

Violation Events

Number of Violation Events Number of violation days

mark only one with an x

daily	<input type="checkbox"/>
monthly	<input checked="" type="checkbox"/>
quarterly	<input type="checkbox"/>
semiannual	<input type="checkbox"/>
annual	<input type="checkbox"/>
single event	<input type="checkbox"/>

Violation Base Penalty

Five monthly events are recommended.

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount Violation Final Penalty Total

This violation Final Assessed Penalty (adjusted for limits)

Economic Benefit Worksheet

Respondent City of Cisco
 Case ID No. 34370
 Reg. Ent. Reference No. RN101389104
 Media Public Water Supply
 Violation No. 1

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	One-time Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/Construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$1,000	1-May-2004	1-Jun-2006	2.1	\$104	n/a	\$104

Notes for DELAYED costs

The delayed costs include the amount to provide additional oversight and maintenance that could have prevented the exceedances, calculated from the date when the first violation occurred to the estimated date of compliance.

Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$1,000

TOTAL

\$104

Compliance History

Customer/Respondent/Owner-Operator: CN600705883 City of Cisco Classification: AVERAGE Rating: 4.28
Regulated Entity: RN101389104 CITY OF CISCO Classification: AVERAGE Site Rating: 10.93
ID Number(s): PUBLIC WATER SYSTEM/SUPPLY REGISTRATION 0670001
WASTEWATER PERMIT WQ0010424002
WASTEWATER PERMIT TPDES0119814
WASTEWATER PERMIT TX0119814
WATER LICENSING LICENSE 0670001
Location: Approximately 400 feet west of State Highway (S.H.) 6 and approximately 800 feet downstream
of the Lake Cisco Dam, and approximately 3.5 miles north of the intersection of U.S. Highway 80 and S.H. 6,
Eastland County
Rating Date: 9/1/2006 Repeat Violator: NO
TCEQ Region: REGION 03 - ABILENE
Date Compliance History Prepared: August 10, 2007
Agency Decision Requiring Compliance History: Enforcement
Compliance Period: August 10, 2002 to August 10, 2007
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History
Name: Laurie Eaves Phone: 512/239-4495

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: 03/23/2006 ADMINORDER 2004-0856-MLM-E

Classification: Moderate

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

Rqmt Prov: Section II: Cond. A PERMIT

WATER TREATMENT SLUDGE PROVISIONS PERMIT

Description: Failure to dispose of water treatment sludge only at a TCEQ registered or permitted land application site, commercial land application site or co-disposal landfill authorized to accept water treatment plant sludge.

Classification: Moderate

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

TWC Chapter 26 26.121

Rqmt Prov: Condition 2.d. PERMIT

Description: Failure to take reasonable steps to prevent discharge of wastewater to waters of the state.

Classification: Moderate

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

Rqmt Prov: Sec. II, Cond. E PERMIT

Description: Failure to test the water treatment sludge at least once during the term of the permit.

Classification: Moderate

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

Rqmt Prov: Operational Requirements No. 5 PERMIT

Description: Failure to provide a readily accessible sampling point and an effluent flow measuring device by which effluent flow may be determined.

Classification: Moderate

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

Rqmt Prov: Effluent Limitations No. 1 PERMIT

Monitoring and Reporting Req. No. 1 PERMIT

Description: Failure to collect composite samples for effluent monitoring.

Classification: Moderate

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

Rqmt Prov: Monitoring and Reporting Req No. 7(c) PERMIT

Description: Failure to report in writing, effluent violations which deviated from the permitted effluent limitation by more than 40% within five days of becoming aware of the violation.

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
TWC Chapter 26 26.121
Rqmt Prov: Condition No 2.g. PERMIT
Description: Failure to prevent an unauthorized discharge of wastewater at an unpermitted outfall.
Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Monit. & Rep. Reqs Cond No. 3.(b&c) PERMIT
Description: Failure to provide records of self-monitoring activities.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(5)
Rqmt Prov: Operational Requirements No. 1 PERMIT
Description: Failure to ensure that at all times the facility and all of its systems of collection, treatment, and disposal are properly operated and maintained.
Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: Effluent Limits PERMIT
Description: Failure to comply with permitted discharge limitations at Outfall 001.
Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.113(f)(5)
5A THC Chapter 341, SubChapter A 341.0315(c)
Description: Failed to comply with the maximum contaminant level (MCL) running annual average (RAA) for haloacetic acids (HAA5) for the second quarter of 2004.

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

N/A

C. Chronic excessive emissions events.

N/A

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

1 08/16/2002 (235445)
2 09/30/2002 (235446)
3 12/19/2002 (327928)
4 01/27/2003 (235449)
5 02/20/2003 (235438)
6 02/24/2003 (25120)
7 03/06/2003 (235440)
8 05/19/2003 (327922)
9 06/23/2003 (327924)
10 07/18/2003 (327925)
11 10/16/2003 (327926)
12 10/17/2003 (327927)
13 12/15/2003 (367347)
14 12/17/2003 (257817)
15 12/18/2003 (327929)
16 01/26/2004 (327930)
17 02/20/2004 (327919)
18 04/08/2004 (267801)
19 04/19/2004 (327920)
20 04/19/2004 (327921)
21 06/14/2004 (275301)
22 06/17/2004 (327923)
23 07/19/2004 (291132)
24 07/21/2004 (367342)
25 07/21/2004 (367343)
26 08/23/2004 (367344)
27 09/15/2004 (367345)
28 10/14/2004 (367346)
29 11/18/2004 (341460)
30 11/24/2004 (390240)
31 12/08/2004 (390241)
32 01/06/2005 (390242)
33 02/07/2005 (427699)
34 03/02/2005 (427700)
35 04/07/2005 (427701)
36 05/19/2005 (427702)
37 06/10/2005 (427703)
38 07/14/2005 (447753)
39 08/22/2005 (447754)
40 09/16/2005 (447755)
41 10/14/2005 (492912)
42 11/16/2005 (492913)
43 12/12/2005 (492914)
44 01/11/2006 (492915)
45 02/21/2006 (492910)
46 03/13/2006 (492911)

47 04/03/2006 (456096)
48 04/06/2006 (506472)
49 05/15/2006 (506473)
50 06/26/2006 (506474)
51 07/13/2006 (528688)
52 08/04/2006 (528689)
53 09/18/2006 (528690)
54 10/09/2006 (551956)
55 11/10/2006 (551955)
56 11/22/2006 (551957)
57 12/11/2006 (551958)
58 01/12/2007 (536818)
59 02/28/2007 (542183)
60 04/10/2007 (542664)
61 07/03/2007 (563788)
62 07/03/2007 (565851)
63 07/03/2007 (565846)
64 07/03/2007 (565860)
65 07/05/2007 (565863)

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

Date: 08/31/2003 (327926)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2003 (327927)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2003 (367347)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2004 (327921)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 05/31/2004 (367342)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 09/30/2004 (367346)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 10/31/2004 (390240)

Self Report? YES Classification: Moderate

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

TWC Chapter 26 26.121(a)[G]

Description: Failure to meet the limit for one or more permit parameter

Date: 11/02/2004 (536818)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: May 2004 - 2 days with combined filter effluent turbidity above 1.0 NTU

Date: 11/03/2004 (563788)

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)

30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: July 2004 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

Self Report? NO Classification: Moderate

Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(ii)

30 TAC Chapter 290, SubChapter F 290.111(f)(5)

Description: July 2004 - 5.9% of the combined filter effluent turbidity readings above 0.3 NTU, exceeding the 5% limit.

Date: 11/18/2004 (341460)
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(2)(A)(i)
Description: FAILURE TO MAINTAIN 1.0 NTU OR BELOW.
Self Report? NO Classification: Major
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(2)(A)(i)
Description: FAILURE TO MEET THE 0.5-LOG GIARDIA AND 2-LOG VIRAL INACTIVATION LEVELS FOR THE MONTH OF SEPTEMBER 2004.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.111(g)(2)
Description: FAILURE TO NOTIFY THE EXECUTIVE DIRECTOR AND WATER SYSTEM CUSTOMERS OF TREATMENT TECHNIQUE VIOLATIONS IN A TIMELY MATTER.

Date: 12/03/2004 (565846)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: August 2004 - 2 days with combined filter effluent turbidity readings above 1.0 NTU.

Date: 12/07/2004 (565851)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: September 2004 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(2)
30 TAC Chapter 290, SubChapter F 290.111(f)(4)
Description: September 2004 - 2 days with low disinfectant residual for more than 4.0 hours.

Date: 08/31/2005 (447755)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 03/31/2006 (456096)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.44(h)(4)(A)[G]
Description: FAILURE TO CONDUCT ANNUAL BACKFLOW DEVICE TESTING FOR 2005.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(e)
Description: FAILURE TO MAINTAIN FENCING AROUND 0.500 MG ELEVATED STORAGE TANK.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter F 290.110(c)(2)(A)
Description: FAILURE TO PROVIDE ONLINE CHLORINE ANALYZER AT PLANT DISCHARGE TO DISTRIBUTION SYSTEM.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.42(d)(15)(C)(iii)
Description: FAILURE TO MAINTAIN ONLINE CHLORINE ANALYZER AT SWTP.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 290, SubChapter D 290.43(c)(8)
Description: FAILURE TO MAINTAIN WATER STORAGE FACILITIES (0.500 MG ELEVATED AND 0.500 MG GROUND).

Date: 07/07/2006 (565860)
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 290, SubChapter F 290.111(b)(1)(A)(i)
30 TAC Chapter 290, SubChapter F 290.111(f)(5)
Description: May 2006 - 1 day with combined filter effluent turbidity readings above 1.0 NTU.

Date: 10/31/2006 (551957)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 11/30/2006 (551958)
Self Report? YES Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)[G]
Description: Failure to meet the limit for one or more permit parameter

Date: 02/28/2007 (542183)
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failure to maintain accurate monitoring records.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failure to accurately calculate daily average loading.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failures to self report noncompliance to the Abilene Regional Office of a TSS single grab exceedance greater than 40%.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failure to calibrate the flow meter annually.
Self Report? NO Classification: Minor
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failure to accurately determine the daily average flow.
Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT WQ0010424002
Description: Failure to meet the TSS daily average and daily maximum permit limit for October 2006 and November 2006.

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 CISCO;
RN102186533 AND RN101389104**

§
§
§
§
§

**BEFORE THE

TEXAS COMMISSION ON

ENVIRONMENTAL QUALITY**

AGREED ORDER DOCKET NO. 2007-1123-MLM-E

At its _____ agenda, the Texas Commission on Environmental Quality ("Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding City of Cisco ("the City") under the authority of TEX. WATER CODE chs. 7 and 26 and TEX. HEALTH & SAFETY CODE ch. 341. The Executive Director of the TCEQ, represented by the Litigation Division, and the City presented this agreement to the Commission.

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

It is further understood and agreed that this Agreed Order represents the complete and fully-integrated agreement of the parties. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable. The duties and responsibilities imposed by this Agreed Order are binding upon the City.

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

FINDINGS OF FACT

1. The City owns and operates a wastewater treatment facility located at approximately 1,900 feet east and 4,500 feet north of the intersection of United States ("U.S.") Highway 183 and U.S. Highway 80, Eastland County, Texas ("Facility A"). Facility A has discharged waste into or adjacent to any water in the state or has committed another act that has caused or will cause pollution of any water in the state under the Texas Water Code.

2. The City owns and operates a public water supply located 400 feet west of State Highway ("SH") 6 and approximately 800 feet downstream of Lake Cisco Dam, and approximately 3.5 miles north of the intersection of U.S. Highway 80 and SH 6, Eastland County, Texas ("Facility B"). Facility B provides water for human consumption and has approximately 1,574 service connections. As such, Facility B is a public water supply system as defined in 30 TEX. ADMIN. CODE § 290.38(63).
3. During an investigation conducted on June 21, 2007, a TCEQ Abilene Regional Office investigator documented that the City failed to maintain authorization to discharge wastewater at Facility A under TPDES Permit No. 10424001. Specifically, TPDES Permit No. 10424001 expired at midnight on March 1, 2007.
4. During an investigation conducted on May 1, 2007, a TCEQ Abilene Regional Office investigator documented that the City failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state from Facility A. Specifically, approximately 650 gallons of wastewater discharged from the collection system, i.e., 100 gallons were discharged from 1601 Mancill manhole on April 3, 2007; 500 gallons were discharged from the 401 East 18th Street manhole on April 16, 2007; and 50 gallons were discharged from the 401 East 18th Street manhole on May 1, 2007.
5. During a record review conducted on August 2, 2007, TCEQ staff documented that the City failed to comply with its permitted effluent limitations at Facility A. Specifically, the following violations were documented:

Month	Five-Day Biochemical Oxygen Demand Daily Average Concentration Permit Limit = 30 milligrams per liter
June 2006	39.53 milligrams per liter
February 2007	33 milligrams per liter

6. During a record review on June 11, 2006, TCEQ staff documented that the City, at Facility B, failed to maintain the turbidity level of the combined filter effluent so as not to exceed 1.0 Nephelometric Turbidity Unit ("NTU"); to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month; and to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours. Specifically, the turbidity level of the combined filter effluent was greater than 1.0 NTU during two days in May 2004, one day during July 2004, two days in August 2004, one day in September 2004, and one day in May 2006. The turbidity levels of the combined filter effluent were less than or equal to the 0.3 NTU limit in 94.1% of the samples taken the month of July 2004. A low concentration-time (the product

of disinfectant concentration and effective contact time) was documented for more than four consecutive hours for two days in September 2004.

7. The City received notice of the violations on or about June 27 and July 10, 2007.
8. The Executive Director recognizes that the City has implemented the following corrective measures at Facility A:
 - a. On April 3, 2007, cleaned and disinfected the affected areas involved in the discharge of 100 gallons of wastewater from the 1601 Mancill manhole;
 - b. On April 16, 2007, cleaned and disinfected the affected areas involved in the discharge of 500 gallons of wastewater from the 401 East 18th Street manhole;
 - c. On May 1, 2007, cleaned and disinfected the affected areas involved in the discharge of 50 gallons of wastewater from the 401 East 18th Street manhole; and
 - d. On March 1, 2007, returned to compliance with effluent limits established in expired TPDES Permit No. 10424001 by injecting apple blossom enzymes to assist with stabilization of solids.
9. The Executive Director recognizes that by June 1, 2006, at Facility B, the City maintained the turbidity level of the combined filter effluent so as not to exceed 1.0 NTU, the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month, and provided proper disinfection.

CONCLUSIONS OF LAW

1. As evidenced by Finding of Fact Nos. 1 and 2, the City is subject to the jurisdiction of the TCEQ pursuant TEX. WATER CODE § 7.002 and ch. 26 and TEX. HEALTH & SAFETY CODE ch. 341.
2. As evidenced by Finding of Fact No. 3, the City failed to maintain authorization to discharge wastewater at Facility A under TPDES Permit No. 10424001, in violation of 30 TEX. ADMIN. CODE §§ 305.65 and 305.125(2) and TPDES Permit No. 10424001, Permit Condition No. 4.c. as documented on June 21, 2007.
3. As evidenced by Finding of Fact No. 4, the City failed to prevent the unauthorized discharge of wastewater into or adjacent to water in the state from Facility A, in violation of TEX. WATER CODE § 26.121(a), as documented on May 1, 2007.

4. As evidenced by Finding of Fact No. 5, the City failed to comply with its permitted effluent limitations at Facility A, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and TPDES Permit No. 10424001, Effluent Limitations and Monitoring Requirements No. 1, as documented on August 2, 2007.
5. As evidenced by Finding of Fact No. 6, the City failed to maintain, at Facility B, the turbidity level of the combined filter effluent so as not to exceed 1.0 NTU; to maintain the turbidity level of the combined filter effluent so as not to exceed 0.3 NTU in at least 95% of the samples tested each month; and to meet the requirements of the disinfection protocol used by the public water system for a period longer than four consecutive hours, in violation of 30 TEX. ADMIN. CODE §§ 290.110(b)(1) and (f)(4) and 290.111(b)(1)(A)(i) and (ii) and TEX. HEALTH & SAFETY CODE § 341.0315(c), as documented on June 11, 2006.
6. Pursuant to TEX. WATER CODE § 7.051 and TEX. HEALTH & SAFETY CODE § 341.049, the Commission has the authority to assess an administrative penalty against the City for violations of state statutes within the Commission's jurisdiction, for violations of rules adopted under such statutes, or for violations of orders or permits issued under such statutes.
7. An administrative penalty in the amount of twenty-nine thousand two hundred thirty-five dollars (\$29,235.00) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053 and TEX. HEALTH & SAFETY CODE § 341.049. Pursuant to TEX. WATER CODE § 7.067, twenty-nine thousand two hundred thirty-five dollars (\$29,235.00) of the administrative penalty shall be conditionally offset by the City's completion of a Supplemental Environmental Project (SEP) as 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.

ORDERING PROVISIONS

1. The City is assessed an administrative penalty in the amount of twenty-nine thousand two hundred thirty-five dollars (\$29,235.00) as set forth in Conclusion of Law No. 7. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order completely resolve the violations set forth by this Agreed Order in this action. However, the Commission shall not be constrained in any manner from requiring corrective actions or penalties for other violations that are not raised here. Administrative penalty payments shall be made payable to "Texas Commission on Environmental Quality" and shall be sent with the notation "re: City of Cisco, Docket No. 2007-1123-MLM-E" to:

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

2. The City shall undertake the following technical requirements:

- a. Within 30 days after the effective date of this Commission order, the City shall submit an administratively complete permit application for Facility A in accordance with 30 TEX. ADMIN. CODE ch. 305 (relating to Consolidated Permits) to:

Water Quality Application Team
Permits Administrative Review Section
Registration, Review and Reporting Division, MC 161
Texas Commission on Environmental Quality
P. O. Box 13087
Austin, Texas 78711-3087

- b. Respond completely and adequately, as determined by the TCEQ, to all requests for information concerning the permit application within 30 days after the date of such request or by any other deadline in writing.
- c. Immediately upon the effective date of the Commission Order, until such time as authorization to operate is obtained or until 300 days after the effective date of the Commission Order, whichever is earlier, the City shall comply with the permit limits in expired TPDES Permit No. 10424001.
- d. Within 300 days after the effective date of the Commission Order, the City shall submit written certification as described below, and include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate that either authorization to operate has been obtained or that operation has ceased until such time that appropriate authorization is obtained.

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 containing 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 City shall submit copies of documentation necessary to demonstrate compliance with these Ordering Provisions 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:

Cliff Moore, Water Section Manager
Texas Commission on Environmental Quality
Abilene Regional Office
1977 Industrial Boulevard
Abilene, Texas 79602-7833

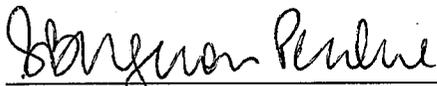
3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over Facility A and Facility B operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.

6. The Executive Director may, 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.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all terms and conditions set forth in this Agreed Order, whichever is later.
8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. Under 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142, the effective date of this Agreed Order 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

10/16/08

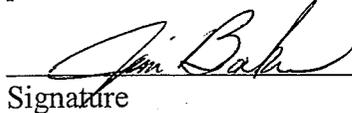
Date

I, the undersigned, have read and understand the attached Agreed Order. I represent that I am authorized to agree to the attached Agreed Order on behalf of the entity, if any, 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 my failure to comply with the Ordering Provisions in this order and/or my failure to timely pay the penalty amount, may result in:

- A negative impact on the City's compliance history;
- Greater scrutiny of any permit applications submitted by the City;
- 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 against the City;
- Automatic referral to the Attorney General's Office of any future enforcement actions against the City; and
- TCEQ seeking other relief as authorized by law.

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



Signature

Jim Baker

Name (Printed or typed)

Authorized representative of City of Cisco

08-29-08

Date

Intrim City Manager

Title

Attachment A
Supplemental Environmental Project

Attachment A

Docket Number: 2007-1123-MLM-E

SUPPLEMENTAL ENVIRONMENTAL PROJECT

Respondent: City of Cisco
Penalty Amount: Twenty-nine thousand two hundred thirty-five dollars (\$29,235)
SEP Offset Amount: Twenty-nine thousand two hundred thirty-five dollars (\$29,235)
Type of SEP: Pre-approved SEP
Third-Party Recipient: Texas Association of Resource Conservation & Development Areas, Inc. ("RC&D") *Cleanup of Unauthorized Trash Dumps*
Location of SEP: Eastland County

The Texas Commission on Environmental Quality ("TCEQ") agrees to offset the administrative Penalty Amount assessed in this Agreed Order for Respondent to contribute to a Supplemental Environmental Project ("SEP"). The offset is equal to the SEP Offset 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 Offset Amount to the Third-Party Recipient named above. The contribution will be to *Texas Association of Resource Conservation and Development Areas, Inc. ("RC&D")* for the Cleanup of Unauthorized Trash Dumps project. Any remaining SEP funds after completion of the Trash Dumps Cleanup may, upon approval of the Executive Director, be spent on another approved RC&D project to be conducted within Eastland County. Specifically, SEP monies will pay for the labor and disposal costs associated with proper clean up and disposal of wastes, debris, or abandoned tires, assistance to low-income residents with failing on site wastewater systems, plugging of abandoned wells, antifreeze recycling, or other approved project. The projects will be administered in accordance with federal, state, and local environmental laws and regulations.

The Respondent certifies that it has no prior commitment to make this contribution and that it is being done solely in an effort to settle this enforcement action. The Respondent certifies that it will not in any manner receive a monetary benefit from this SEP.

B. Environmental Benefit

The clean up of unauthorized trash dumps project will provide a discernable environmental benefit by providing for the proper disposal of debris and waste, reducing the potential health threats associated with illegally dumped wastes, helping rid the community of hazardous contaminants that may leach into the soil and water, and helping to prevent the release of harmful chemicals into the air should illegally dumped tires catch fire.

C. Minimum Expenditure

Respondent shall contribute at least the SEP Offset 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, Respondent shall contribute the SEP Offset Amount to the Third-Party Recipient. Respondent shall mail a copy of the Agreed Order along with the contribution to:

Texas Association of Resource Conservation
and Development Areas, Inc. (RC&D)
1716 Briarcrest Drive Suite 510
Bryan, Texas 77802-2700

3. **Records and Reporting**

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

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

4. **Failure to Fully Perform**

If Respondent does not perform its obligations under this SEP in any way, including full payment of the SEP Offset 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 Offset Amount.

In the event of incomplete performance, the Respondent shall submit a check for any remaining amount due made payable to "Texas Commission on Environmental Quality" with the notation "SEP Refund" and the docket number of the case, and shall send it to:

Litigation Division
Attention: SEP Coordinator, MC 175
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

City of Cisco

Agreed Order – Attachment A Docket No. 2007-1123-MLM-E

5. Publicity

Any public statements concerning this SEP made by or on behalf of 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

Respondent shall not include this SEP in any application made to TCEQ under the "Clean Texas" (or any successor) program(s). Similarly, 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 a SEP for Respondent under any other Agreed Order negotiated with the TCEQ or any other agency of the state or federal government.