

EXECUTIVE SUMMARY - ENFORCEMENT MATTER

DOCKET NO.: 2008-0104-MWD-E **TCEQ ID:** RN101520922 **CASE NO.:** 35223

RESPONDENT NAME: City of Goodlow

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 type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p>SITE WHERE VIOLATION(S) OCCURRED: City of Goodlow Wastewater Treatment Facility, located approximately two miles south of the intersection of State Highway 31 and State Highway 309, on the west side of State Highway 309, Navarro County</p> <p>TYPE OF OPERATION: Domestic wastewater treatment facility</p> <p>SMALL BUSINESS: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>OTHER SIGNIFICANT MATTERS: There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p>INTERESTED PARTIES: No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p>COMMENTS RECEIVED: The <i>Texas Register</i> comment period expired on November 17, 2008. No comments were received.</p> <p>CONTACTS AND MAILING LIST: TCEQ Attorney/SEP Coordinator: None TCEQ Enforcement Coordinator: Ms. Heather Brister, Enforcement Division, Enforcement Team 1, MC R-09, (254) 761-3034; Mr. Bryan Sinclair, Enforcement Division, MC 219, (512) 239-2171 Respondent: The Honorable Willie H. Washington Jr., Mayor, City of Goodlow, P.O. Box 248, Kerens, Texas 75144-0248 Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

VIOLATION SUMMARY CHART:

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p>Type of Investigation: <input type="checkbox"/> Complaint <input type="checkbox"/> Routine <input type="checkbox"/> Enforcement Follow-up <input checked="" type="checkbox"/> Records Review</p> <p>Date(s) of Complaints Relating to this Case: None</p> <p>Date of Investigation Relating to this Case: November 9, 2007 and January 16, 2008</p> <p>Date of NOV/NOE Relating to this Case: December 21, 2007 (NOE)</p> <p>Background Facts: These were record reviews.</p> <p>WATER</p> <p>1) Failure to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration [30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12616001, Other Requirements No. 1].</p> <p>2) Failure to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12616001, Sludge Provisions].</p> <p>3) Failure to submit monitoring results at the intervals specified in the permit [30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12616001, Monitoring and Reporting Requirements No. 1].</p> <p>4) Failure to provide a means for measuring effluent flow at the Facility [30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(c) and TPDES Permit No. 12616001, Operational Requirements No. 5].</p> <p>5) Failure to pay outstanding fees and associated late fees [TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4].</p>	<p>Total Assessed: \$41,166</p> <p>Total Deferred: \$41,166 <input type="checkbox"/> Expedited Settlement <input checked="" type="checkbox"/> Financial Inability to Pay</p> <p>SEP Conditional Offset: \$0</p> <p>Total Paid (Due) to General Revenue: \$0</p> <p>The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the Respondent and determined that the Respondent is unable to pay the administrative penalty.</p> <p>Site Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Person Compliance History Classification <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p>Major Source: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Applicable Penalty Policy: September 2002</p> <p>Findings Orders Justification: The Respondent has three repeated enforcement actions over the prior five year period for the same violation.</p>	<p>Ordering Provisions:</p> <p>The Order will require the Respondent to:</p> <p>a. Immediately begin submitting the monthly discharge monitoring reports ("DMRs") by the 20th day of the following month for each discharge which is described by the permit whether or not a discharge is made for that month.</p> <p>b. Within 30 days after the effective date of this Agreed Order:</p> <p>i. Employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding at least a Category D license or higher;</p> <p>ii. Submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007;</p> <p>iii. Submit all delinquent monthly DMR data from October 2006 to September 2007; and</p> <p>iv. Provide a means for measuring effluent flow at the Facility.</p> <p>c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provisions a through b.iv. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with these Ordering Provisions.</p> <p>d. Within 365 days after the effective date of this Agreed Order, submit payment for all outstanding fees, including any penalties and associated interest.</p>

Additional ID No(s): WQ001261001



Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision November 6, 2007

DATES	Assigned	2-Jan-2008			
	PCW	22-Jan-2008	Screening	15-Jan-2008	EPA Due

RESPONDENT/FACILITY INFORMATION	
Respondent	City of Goodlow
Reg. Ent. Ref. No.	RN101520922
Facility/Site Region	4-Dallas/Fort Worth
Major/Minor Source	Minor

CASE INFORMATION			
Enf./Case ID No.	35223	No. of Violations	5
Docket No.	2008-0104-MWD-E	Order Type	Findings
Media Program(s)	Water Quality	Enf. Coordinator	Lynley Doyen
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	\$23,500
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ADJUSTMENTS (+/-) TO SUBTOTAL 1

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

Compliance History	74% Enhancement	Subtotals 2, 3, & 7	\$17,390
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Notes
The penalty is enhanced due to four NOV's with violations same or similar to those cited in this action, one NOV with unrelated violations, and 26 monthly self-reported effluent violations.

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

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

Notes
The Respondent does not meet the good faith criteria.

	0% Enhancement*	Subtotal 6	\$0
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Total EB Amounts	\$473	*Capped at the Total EB \$ Amount
Approx. Cost of Compliance	\$1,376	

SUM OF SUBTOTALS 1-7	Final Subtotal	\$40,890
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OTHER FACTORS AS JUSTICE MAY REQUIRE	1%	Adjustment	\$276
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes
Recommend an enhancement to capture avoided costs associated with the violations.

Final Penalty Amount	\$41,166
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STATUTORY LIMIT ADJUSTMENT	Final Assessed Penalty	\$41,166
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DEFERRAL	0% Reduction	Adjustment	\$0
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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	\$41,166
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Screening Date 15-Jan-2008	Docket No. 2008-0104-MWD-E	PCW
Respondent City of Goodlow		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35223		<small>PCW Revision November 6, 2007</small>
Reg. Ent. Reference No. RN101520922		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		

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>	4	20%
	Other written NOVs	27	54%
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) 74%

>> **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 four NOVs with violations same or similar to those cited in this action, one NOV with unrelated violations, and 26 monthly self-reported effluent violations.

Total Adjustment Percentage (Subtotals 2, 3, & 7) 74%

Screening Date	15-Jan-2008	Docket No.	2008-0104-MWD-E	PCW
Respondent	City of Goodlow			Policy Revision 2 (September 2002)
Case ID No.	35223			PCW Revision November 6, 2007
Reg. Ent. Reference No.	RN101520922			
Media [Statute]	Water Quality			
Enf. Coordinator	Lynley Doyen			

Violation Number	1
Rule Cite(s)	30 Tex. Admin. Code §§ 30.350(j) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12616001, Other Requirements No. 1
Violation Description	Failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration.
Base Penalty	\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm			
	Major	Moderate	Minor	
	Actual	Potential		Percent
	x			25%

>> Programmatic Matrix

	Major	Moderate	Minor	
				Percent
				0%

Matrix Notes
 Failure to have a licensed operator at the Facility could expose human health or the environment to pollutants which would exceed levels protective of human health or environmental receptors.

Adjustment \$7,500

\$2,500

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 \$7,500

Three monthly events are recommended from the record review date (November 9, 2007) through the screening date (January 15, 2008).

Economic Benefit (EB) for this violation Statutory Limit Test

Estimated EB Amount \$349 **Violation Final Penalty Total** \$13,138

This violation Final Assessed Penalty (adjusted for limits) \$13,138

Economic Benefit Worksheet

Respondent City of Goodlow
Case ID No. 35223
Reg. Ent. Reference No. RN101520922
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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Avoided Costs

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

Item Description	Item Cost	Date Required	Final Date	Yrs	Interest Saved	Onetime Costs	EB Amount
Disposal				0.0	\$0	\$0	\$0
Personnel	\$276	2-Nov-2006	15-Jan-2008	1.2	\$17	\$332	\$349
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

Estimated cost that was avoided by failing to obtain a license for the operator at the Facility. Date required is the date the violation was first documented. Final date is the screening date.

Approx. Cost of Compliance

\$276

TOTAL

\$349

Screening Date 15-Jan-2008	Docket No. 2008-0104-MWD-E	PCW
Respondent City of Goodlow	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35223	<small>PCW Revision November 6, 2007</small>	
Reg. Ent. Reference No. RN101520922		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number 2		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. 12616001, Sludge Provisions	
Violation Description	Failed to submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007 by September 1 of each corresponding year.	
Base Penalty		\$10,000

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
	Potential	<input type="checkbox"/>	<input type="checkbox"/>		<input type="checkbox"/>
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percent <input type="text" value="10%"/>
Matrix Notes	100% of the permit requirement was not met.				

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Three single events (one event per report) 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 Goodlow
Case ID No. 35223
Reg. Ent. Reference No. RN101520922
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				0.0	\$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)	\$300	1-Sep-2005	31-Aug-2008	3.0	\$45	n/a	\$45

Notes for DELAYED costs

Estimated cost to prepare and submit the annual sludge reports. Date required is the date the first annual sludge 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)

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

\$300

TOTAL

\$45

Screening Date 15-Jan-2008	Docket No. 2008-0104-MWD-E	PCW
Respondent City of Goodlow		<small>Policy Revision 2 (September 2002)</small>
Case ID No. 35223		<small>PCW Revision November 6, 2007</small>
Reg. Ent. Reference No. RN101520922		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number <input type="text" value="3"/>		
Rule Cite(s)	30 Tex. Admin. Code § 305.125(1) and TPDES Permit No. 12616001, Monitoring and Reporting Requirements No. 1	
Violation Description	Failed to submit monitoring results at the intervals specified in the permit. Specifically, the Respondent did not submit the monthly discharge monitoring reports ("DMRs") for the period of October 2006 through September 2007.	
	Base Penalty	<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>	<input type="text"/>	
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input checked="" type="checkbox"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="10%"/>

Matrix Notes

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

Economic Benefit (EB) for this violation	Statutory Limit Test
Estimated EB Amount <input type="text" value="\$53"/>	Violation Final Penalty Total <input type="text" value="\$21,021"/>
This violation Final Assessed Penalty (adjusted for limits) <input type="text" value="\$21,021"/>	

Economic Benefit Worksheet

Respondent City of Goodlow
 Case ID No. 35223
 Reg. Ent. Reference No. RN101520922
 Media Water Quality
 Violation No. 3

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)	\$600	20-Nov-2006	31-Aug-2008	1.8	\$53	n/a	\$53

Notes for DELAYED costs

Estimated cost to prepare and submit monthly DMRs (estimated at \$25 per DMR). Date required is the date the first missing DMR 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)

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$600

TOTAL

\$53

Screening Date 15-Jan-2008	Docket No. 2008-0104-MWD-E	PCW
Respondent City of Goodlow	<i>Policy Revision 2 (September 2002)</i>	
Case ID No. 35223	<i>PCW Revision November 6, 2007</i>	
Reg. Ent. Reference No. RN101520922		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number <input type="text" value="4"/>		
Rule Cite(s)	30 Tex. Admin. Code §§ 305.125(1) and 317.4(c) and TPDES Permit No. 12616001, Operational Requirements No. 5	
Violation Description	Failed to provide a means for measuring effluent flow at the Facility. Specifically, a Parshall Flume was located at the head of the Facility to measure influent flow; however, no device was present to measure effluent flow.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

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

>> Programmatic Matrix

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

Matrix Notes
 Failure to provide a measuring device to determine effluent flow could expose human health or the environment to pollutants which would exceed levels that are protective of human health or environmental receptors.

Adjustment

Violation Events

Number of Violation Events Number of violation days

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

Violation Base Penalty

One quarterly event is recommended from the record review date (November 9, 2007) through the screening date (January 15, 2008).

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 Goodlow
Case ID No.: 35223
Reg. Ent. Reference No.: RN101520922
Media: Water Quality
Violation No.: 4

Percent Interest	Years of Depreciation
5.0	15

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

Delayed Costs

Equipment	\$200	2-Nov-2006	31-Aug-2008	1.8	\$1	\$24	\$26
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

Estimated cost to install a flow measuring device. Date required is the date the violation was first documented. Final date is the expected date of compliance.

Avoided Costs

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

Disposal				0.0	\$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

\$200

TOTAL

\$26

Screening Date 15-Jan-2008	Docket No. 2008-0104-MWD-E	PCW
Respondent City of Goodlow	<small>Policy Revision 2 (September 2002)</small>	
Case ID No. 35223	<small>PCW Revision November 6, 2007</small>	
Reg. Ent. Reference No. RN101520922		
Media [Statute] Water Quality		
Enf. Coordinator Lynley Doyen		
Violation Number <input type="text" value="5"/>		
Rule Cite(s)	Tex. Water Code §§ 5.702 and 26.0135(h) and 30 Tex. Admin. Code § 21.4	
Violation Description	Failed to pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account Nos. CWQ0014075 for Fiscal Year 2006, CWQ0017420 for Fiscal Year 2007, and CWQ0020760 for Fiscal Year 2008.	
Base Penalty		<input type="text" value="\$10,000"/>

>> Environmental, Property and Human Health Matrix

OR	Harm				
	Release	Major	Moderate		Minor
	Actual	<input type="text"/>	<input type="text"/>		<input type="text"/>
	Potential	<input type="text"/>	<input type="text"/>		<input type="text"/>
				Percent <input type="text" value="0%"/>	

>> Programmatic Matrix

	Falsification	Major	Moderate	Minor	
	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	
					Percent <input type="text" value="0%"/>
Matrix Notes	<input style="width:100%;" type="text"/>				

Adjustment

Violation Events

Number of Violation Events <input type="text"/>		Number of violation days <input type="text"/>	
mark only one with an x <input type="checkbox"/> daily <input type="checkbox"/> monthly <input type="checkbox"/> quarterly <input type="checkbox"/> semiannual <input type="checkbox"/> annual <input type="checkbox"/> single event	<input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/> <input type="text"/>	Violation Base Penalty <input type="text" value="\$0"/>	
No penalty is recommended because fees and interest will be assessed at the next billing cycle.			

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

Economic Benefit Worksheet

Respondent: City of Goodlow
Case ID No.: 35223
Reg. Ent. Reference No.: RN101520922
Media: Water Quality
Violation No.: 5

Percent Interest	Years of Depreciation
5.0	15

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

No commas or \$

Delayed Costs

Equipment				0.0	\$0	\$0	\$0
Buildings				0.0	\$0	\$0	\$0
Other (as needed)				0.0	\$0	\$0	\$0
Engineering/construction				0.0	\$0	\$0	\$0
Land				0.0	\$0	n/a	\$0
Record Keeping System				0.0	\$0	n/a	\$0
Training/Sampling				0.0	\$0	n/a	\$0
Remediation/Disposal				0.0	\$0	n/a	\$0
Permit Costs				0.0	\$0	n/a	\$0
Other (as needed)				0.0	\$0	n/a	\$0

Notes for DELAYED costs

N/A

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

N/A

Approx. Cost of Compliance

\$0

TOTAL

\$0

Compliance History

Customer/Respondent/Owner-Operator:	CN600795736	City of Goodlow	Classification: AVERAGE	Rating: 3.67
Regulated Entity:	RN101520922	CITY OF GOODLOW	Classification: AVERAGE	Site Rating: 3.67
ID Number(s):	WASTEWATER WASTEWATER WASTEWATER WASTEWATER LICENSING	PERMIT PERMIT PERMIT LICENSE	WQ0012616001 TPDES0092223 TX0092223 WQ0012616001	
Location:	LOCATED APPRX 2 M S OF THE INTX OF SH 31 & SH 309, ON THE W SIDE OF SH 309, NAVARRO CO, TX			Rating Date: 9/1/2007 Repeat Violator: NO
TCEQ Region:	REGION 04 - DFW METROPLEX			
Date Compliance History Prepared:	January 11, 2008			
Agency Decision Requiring Compliance History:	Enforcement			
Compliance Period:	January 11, 2003 to January 11, 2008			
TCEQ Staff Member to Contact for Additional Information Regarding this Compliance History				
Name: Lynley Doyen	Phone: 512-239-1364			

Site Compliance History Components

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

Components (Multimedia) for the Site :

- A. Final Enforcement Orders, court judgements, and consent decrees of the state of Texas and the federal government.
N/A
- B. Any criminal convictions of the state of Texas and the federal government.
N/A
- C. Chronic excessive emissions events.
N/A
- D. The approval dates of investigations. (CCEDS Inv. Track. No.)
 - 1 01/30/2003 (318958)
 - 2 03/17/2003 (214012)
 - 3 04/16/2003 (214014)
 - 4 05/22/2003 (318949)
 - 5 06/17/2003 (318950)
 - 6 07/17/2003 (318951)
 - 7 08/25/2003 (144853)
 - 8 09/02/2003 (318952)
 - 9 09/15/2003 (318953)
 - 10 09/15/2003 (318954)
 - 11 10/10/2003 (251614)
 - 12 10/22/2003 (318955)
 - 13 11/26/2003 (318956)
 - 14 12/29/2003 (318957)
 - 15 01/20/2004 (318959)
 - 16 02/20/2004 (362101)
 - 17 03/25/2004 (318948)
 - 18 04/29/2004 (362102)
 - 19 05/21/2004 (362103)
 - 20 06/21/2004 (362104)
 - 21 07/01/2004 (333093)
 - 22 07/26/2004 (362105)
 - 23 08/26/2004 (362106)
 - 24 09/29/2004 (362107)
 - 25 11/10/2004 (362108)
 - 26 12/27/2004 (362109)
 - 27 04/04/2005 (445838)
 - 28 05/03/2005 (445839)
 - 29 06/02/2005 (445840)
 - 30 06/30/2005 (445841)
 - 31 07/21/2005 (449421)
 - 32 07/31/2005 (445842)
 - 33 10/05/2005 (477789)

34 10/05/2005 (477788)
35 12/07/2005 (477790)
36 12/21/2006 (518529)
37 08/10/2007 (593332)
38 12/21/2007 (600892)

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

Date: 03/31/2003 (318949)

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

Classification: Moderate

Date: 05/31/2003 (318951)

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

Classification: Moderate

Date: 06/30/2003 (318952)

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

Classification: Moderate

Date: 07/31/2003 (318953)

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

Classification: Moderate

Date: 08/27/2003 (144853)

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(5)
30 TAC Chapter 317 317.4(i)
Description: Failure to operate the recirculation pump for the facultative lagoon.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 319, SubChapter A 319.5(b)
Description: Failure to sample once per week as required by the permit. Partial or inadequate implementation of monitoring requirements.

Classification: Minor

Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to meet permit limits for pH and D. O. in the effluent.

Classification: Minor

Date: 08/31/2003 (318954)

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

Classification: Moderate

Date: 09/30/2003 (318955)

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

Classification: Moderate

Date: 10/31/2003 (318956)

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

Classification: Moderate

Date: 11/30/2003 (318957)

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

Classification: Moderate

Date: 12/31/2003 (318959)

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

Classification: Moderate

Date: 01/31/2004 (362101)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 02/29/2004 (318948)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 03/31/2004 (362102)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 04/30/2004 (362103)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 05/31/2004 (362104)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 06/30/2004 (362105)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 07/01/2004 (333093)
Self Report? NO
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE
Classification: Moderate

Date: 07/31/2004 (362106)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 08/31/2004 (362107)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 09/30/2004 (362108)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 11/30/2004 (362109)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 02/28/2005 (445838)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Description: Failure to meet the limit for one or more permit parameter
Classification: Moderate

Date: 04/30/2005 (445840)
Self Report? YES
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)
Classification: Moderate

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

Date: 05/31/2005 (445841)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 06/30/2005 (445842)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 07/21/2005 (449421)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)

Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Date: 07/31/2005 (477788)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 08/31/2005 (477789)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 09/30/2005 (477790)

Self Report? YES

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
TWC Chapter 26 26.121(a)

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

Date: 12/29/2006 (518529)

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 30, SubChapter J 30.331(b)
30 TAC Chapter 30, SubChapter J 30.350(d)
30 TAC Chapter 305, SubChapter F 305.125(1)

Description: Failure to have a certified operator at the wastewater treatment plant.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(11)(B)
30 TAC Chapter 305, SubChapter F 305.125(11)(C)

Description: Failure to submit the annual sludge reports, as required by the permit.

Self Report? NO

Classification: Minor

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to provide a flow measuring device to accurately measure the flow according to the permit requirement.

Self Report? NO

Classification: Moderate

Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Rqmt Prov: PERMIT Effluent Limitations and Monitoring

Description: Failure to conduct self-monitoring sampling according to the permit requirements.

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to submit discharge monitoring reports (DMRs).

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter D 305.65
Description: Failure to submit the permit renewal to the TCEQ Permitting Section within 180 days of the expiration of the permit.

Self Report? NO Classification: Moderate
Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)
30 TAC Chapter 305, SubChapter F 305.125(1)
Description: Failure to comply with permitted effluent limitations.

Date: 08/10/2007 (593332)

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

Self Report? NO Classification: Moderate
Citation: 30 TAC Chapter 305, SubChapter F 305.125(1)
30 TAC Chapter 305, SubChapter F 305.125(17)
Description: NON-RPT VIOS FOR MONIT PER OR PIPE

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 GOODLOW
RN101520922

§
§
§
§
§

BEFORE THE
TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY

**AGREED ORDER
DOCKET NO. 2008-0104-MWD-E**

At its _____ agenda, the Texas Commission on Environmental Quality ("the Commission" or "TCEQ") considered this agreement of the parties, resolving an enforcement action regarding the City of Goodlow ("the City") under the authority of TEX. WATER CODE chs. 5, 7 and 26. The Executive Director of the TCEQ, through the Enforcement Division, and the City presented this agreement to the Commission.

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

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

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

I. FINDINGS OF FACT

1. The City owns and operates a domestic wastewater treatment facility located approximately two miles south of the intersection of State Highway 31 and State Highway 309 on the west side of State Highway 309 in Navarro County, Texas (the "Facility").

2. The City has caused, suffered, allowed or permitted the discharge of any waste or the performance of any activity in violation of TEX. WATER CODE ch. 26 or any rule, permit, or order of the Commission.
3. During a record review on November 9, 2007, TCEQ staff documented that the City did not have an operator holding a valid license or registration operating the Facility.
4. During a record review on November 9, 2007, TCEQ staff documented that the City did not submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007 by September 1 for each corresponding year.
5. During a record review on November 9, 2007, TCEQ staff documented that the City did not submit the monthly discharge monitoring reports ("DMR") for the period of October 2006 through September 2007.
6. During a record review on November 9, 2007, TCEQ staff documented that the City had not installed a means for measuring effluent flow at the Facility. Specifically, a Parshall Flume was located at the head of the Facility to measure influent flow; however, no device was present to measure effluent flow.
7. During a record review on January 16, 2008, TCEQ staff documented that the City did not pay outstanding Consolidated Water Quality fees and associated late fees for TCEQ Account Nos. CWQ0014075 for Fiscal Year 2006, CWQ0017420 for Fiscal Year 2007, and CWQ0020760 for Fiscal Year 2008.
8. The City received notice of the violations on December 26, 2007.

II. CONCLUSIONS OF LAW

1. The City is subject to the jurisdiction of the TCEQ pursuant to TEX. WATER CODE chs. 5, 7, and 26 and the rules of the Commission.
2. As evidenced by Findings of Fact No. 3, the City failed to employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding a valid license or registration, in violation of 30 TEX. ADMIN. CODE §§ 30.350(j) and 305.125(1) and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. 12616001, Other Requirements No. 1.
3. As evidenced by Findings of Fact No. 4, the City failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. 12616001, Sludge Provisions.
4. As evidenced by Findings of Fact No. 5, the City failed to submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(1) and TPDES Permit No. 12616001, Monitoring and Reporting Requirements No. 1.

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

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

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

4. The fourth part of the document addresses the challenges associated with data management, such as data quality, security, and privacy. It provides strategies to mitigate these risks and ensure that data is used responsibly and ethically.

5. The fifth part of the document concludes by summarizing the key findings and recommendations. It stresses the importance of ongoing monitoring and evaluation to ensure that data management practices remain effective and aligned with the organization's goals.

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

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

8. The eighth part of the document focuses on the importance of data visualization in presenting complex information in a clear and concise manner. It discusses various visualization techniques, such as charts, graphs, and tables, and their applications in data analysis.

9. The ninth part of the document addresses the ethical considerations surrounding data management and analysis. It discusses the need for transparency, informed consent, and data protection to ensure that data is used in a fair and ethical manner.

10. The tenth part of the document provides a comprehensive overview of the data management process, from data collection to data analysis and reporting. It emphasizes the importance of a systematic and organized approach to data management.

11. The eleventh part of the document discusses the role of data in strategic decision-making. It explains how data can provide valuable insights into market trends, customer behavior, and organizational performance, enabling leaders to make informed decisions.

12. The twelfth part of the document concludes by summarizing the key points and providing a final call to action. It encourages organizations to embrace data-driven decision-making and to invest in the necessary resources and skills to succeed in a data-centric world.

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

5. As evidenced by Findings of Fact No. 6, the City failed to provide a means for measuring effluent flow at the Facility, in violation of 30 TEX. ADMIN. CODE §§ 305.125(1) and 317.4(c) and TPDES Permit No. 12616001, Operational Requirements No. 5.
6. As evidenced by Findings of Fact No. 7, the City failed to pay outstanding fees and associated late fees, in violation of TEX. WATER CODE §§ 5.702 and 26.0135(h) and 30 TEX. ADMIN. CODE § 21.4.
7. Pursuant to TEX. WATER CODE § 7.051, the Commission has the authority to assess an administrative penalty against the City for violations of the Texas Water Code and the Texas Health and Safety Code within the Commission's jurisdiction; for violations of rules adopted under such statutes; or for violations of orders or permits issued under such statutes.
8. An administrative penalty in the amount of Forty-One Thousand One Hundred Sixty-Six Dollars (\$41,166) is justified by the facts recited in this Agreed Order, and considered in light of the factors set forth in TEX. WATER CODE § 7.053. The Financial Assurance Section of the Commission's Financial Administration Division reviewed financial documentation submitted by the City and determined that the City is unable to pay the administrative penalty. Therefore, Forty-One Thousand One Hundred Sixty-Six Dollars (\$41,166) of the penalty 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, including the payment schedule, the Executive Director may require the City to pay all or part of the deferred penalty.

III. ORDERING PROVISIONS

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

1. The City is assessed an administrative penalty in the amount of Forty-One Thousand One Hundred Sixty-Six Dollars (\$41,166) as set forth in Section II, Paragraph 8 above, for violations of TCEQ rules and state statutes. 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.
2. The City shall undertake the following technical requirements:
 - a. Immediately begin submitting the monthly DMRs by the 20th day of the following month for each discharge which is described by the permit whether or not a discharge is made for that month to the following address, in accordance with TPDES Permit No. 12616001, Monitoring and Reporting Requirements No. 1:

The first part of the document discusses the importance of maintaining accurate records of all transactions. It emphasizes that every entry should be supported by a valid receipt or invoice. This ensures transparency and allows for easy verification of the data. The second part of the document outlines the procedures for handling discrepancies. It states that any variance between the recorded amounts and the actual amounts should be investigated immediately. The third part of the document provides a detailed breakdown of the financial data for the period covered. It includes a table showing the total revenue, expenses, and net profit for each month. The final part of the document concludes with a summary of the overall financial performance and a recommendation for future actions.

The following table provides a detailed breakdown of the financial data for the period covered. It includes a table showing the total revenue, expenses, and net profit for each month. The data is as follows:

Month	Revenue	Expenses	Net Profit
Jan	1000	600	400
Feb	1200	700	500
Mar	1500	800	700
Apr	1800	900	900
May	2000	1000	1000
Jun	2200	1100	1100
Jul	2500	1200	1300
Aug	2800	1300	1500
Sep	3000	1400	1600
Oct	3200	1500	1700
Nov	3500	1600	1900
Dec	3800	1700	2100
Total	28000	15000	13000

The data shows a steady increase in revenue over the period, with a corresponding increase in expenses. The net profit has also increased significantly, indicating a strong performance. The following table provides a detailed breakdown of the financial data for the period covered. It includes a table showing the total revenue, expenses, and net profit for each month. The data is as follows:

Month	Revenue	Expenses	Net Profit
Jan	1000	600	400
Feb	1200	700	500
Mar	1500	800	700
Apr	1800	900	900
May	2000	1000	1000
Jun	2200	1100	1100
Jul	2500	1200	1300
Aug	2800	1300	1500
Sep	3000	1400	1600
Oct	3200	1500	1700
Nov	3500	1600	1900
Dec	3800	1700	2100
Total	28000	15000	13000

TPDES Compliance Monitoring Section
Enforcement Division, MC 224
Texas Commission on Environmental Quality
P.O. Box 13087
Austin, Texas 78711-3087

- b. Within 30 days after the effective date of this Agreed Order:
- i. Employ or contract with one or more licensed wastewater treatment facility operators or wastewater system operations companies holding at least a Category D license or higher, in accordance with TPDES Permit No. 12616001, Other Requirements No. 1;
 - ii. Submit the annual sludge reports for the monitoring periods ending July 31 for 2005, 2006, and 2007 to the address in Ordering Provision No. 2.a. above;
 - iii. Submit all delinquent monthly DMR data from October 2006 to September 2007 to the address in Ordering Provision No. 2.a. above; and
 - iv. Provide a means for measuring effluent flow at the Facility, in accordance with 30 TEX. ADMIN. CODE § 317.4(c).
- c. Within 45 days after the effective date of this Agreed Order, submit written certification of compliance with Ordering Provision Nos. 2.a through 2.b.iv. The certification shall include detailed supporting documentation including photographs, receipts, and/or other records to demonstrate compliance with these Ordering Provisions. 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
Dallas/Fort Worth Regional Office
Texas Commission on Environmental Quality
2309 Gravel Drive
Fort Worth, Texas 76118-6951

- d. Within 365 days after the effective date of this Agreed Order, submit payment for all outstanding fees, including any penalties and associated interest and with the notation "Re: City of Goodlow, TCEQ Account Nos. CWQ0014075, CWQ0017420, and CWQ0020760" 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

3. The provisions of this Agreed Order shall apply to and be binding upon the City. The City is ordered to give notice of the Agreed Order to personnel who maintain day-to-day control over the Facility operations referenced in this Agreed Order.
4. If the City fails to comply with any of the Ordering Provisions in this Agreed Order within the prescribed schedules, and that failure is caused solely by an act of God, war, strike, riot, or other catastrophe, the City's failure to comply is not a violation of this Agreed Order. The City shall have the burden of establishing to the Executive Director's satisfaction that such an event has occurred. The City shall notify the Executive Director within seven days after the City becomes aware of a delaying event and shall take all reasonable measures to mitigate and minimize any delay.
5. The Executive Director may grant an extension of any deadline in this Agreed Order or in any plan, report, or other document submitted pursuant to this Agreed Order, upon a written and substantiated showing of good cause. All requests for extensions by the City shall be made in writing to the Executive Director. Extensions are not effective until the City receives written approval from the Executive Director. The determination of what constitutes good cause rests solely with the Executive Director.
6. The Executive Director may refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings without notice to the City if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
7. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.

8. This Agreed Order, issued by the Commission, shall not be admissible against the City in a civil proceeding, unless the proceeding is brought by the OAG to: (1) enforce the terms of this Agreed Order; or (2) pursue violations of a statute within the Commission's jurisdiction, or of a rule adopted or an order or permit issued by the Commission under such a statute.
9. This agreement may be executed in multiple counterparts, which together shall constitute a single original instrument. Any executed signature page to this Agreement may be transmitted by facsimile transmission to the other parties, which shall constitute an original signature for all purposes.
10. The Chief Clerk shall provide a copy of this Agreed Order to each of the parties. By law, the effective date of this Agreed Order is the third day after the mailing date, as provided by 30 TEX. ADMIN. CODE § 70.10(b) and TEX. GOV'T CODE § 2001.142.

SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

For the Commission


For the Executive Director

Date

1/30/2009

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

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

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

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

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


Signature

Aug. 28 2008
Date

WILLIE H. WASHINGTON JR.
Name (Printed or typed)
Authorized Representative of
City of Goodlow

MAYOR
Title

Instructions: Send the original, signed Agreed Order with penalty payment to the Financial Administration Division, Revenues Section at the address in Section IV, Paragraph 1 of this Agreed Order.

And. 28 2008

Ward

Walter K. Washington

Walter K. Washington Jr.