

**EXECUTIVE SUMMARY - ENFORCEMENT MATTER**

**DOCKET NO.:** 2008-1747-MWD-E **TCEQ ID:** RN102740230 **CASE NO.:** 36784

**RESPONDENT NAME:** City of Bridgeport

<b>ORDER TYPE:</b>		
<input checked="" type="checkbox"/> 1660 AGREED ORDER	<input type="checkbox"/> FINDINGS AGREED ORDER	<input type="checkbox"/> FINDINGS ORDER FOLLOWING SOAH HEARING
<input type="checkbox"/> FINDINGS DEFAULT ORDER	<input type="checkbox"/> SHUTDOWN ORDER	<input type="checkbox"/> IMMINENT AND SUBSTANTIAL ENDANGERMENT ORDER
<input type="checkbox"/> AMENDED ORDER	<input type="checkbox"/> EMERGENCY ORDER	
<b>CASE TYPE:</b>		
<input type="checkbox"/> AIR	<input type="checkbox"/> MULTI-MEDIA (check all that apply)	<input type="checkbox"/> INDUSTRIAL AND HAZARDOUS WASTE
<input type="checkbox"/> PUBLIC WATER SUPPLY	<input type="checkbox"/> PETROLEUM STORAGE TANKS	<input type="checkbox"/> OCCUPATIONAL CERTIFICATION
<input checked="" type="checkbox"/> WATER QUALITY	<input type="checkbox"/> SEWAGE SLUDGE	<input type="checkbox"/> UNDERGROUND INJECTION CONTROL
<input type="checkbox"/> MUNICIPAL SOLID WASTE	<input type="checkbox"/> RADIOACTIVE WASTE	<input type="checkbox"/> DRY CLEANER REGISTRATION
<p><b>SITE WHERE VIOLATION(S) OCCURRED:</b> City of Bridgeport, located approximately 1,500 feet southwest of the intersection of State Highway 114 and Farm-to-Market Road 2123, Wise County</p> <p><b>TYPE OF OPERATION:</b> Wastewater treatment plant</p> <p><b>SMALL BUSINESS:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>OTHER SIGNIFICANT MATTERS:</b> There are no complaints. There is no record of additional pending enforcement actions regarding this facility location.</p> <p><b>INTERESTED PARTIES:</b> No one other than the ED and the Respondent has expressed an interest in this matter.</p> <p><b>COMMENTS RECEIVED:</b> The <i>Texas Register</i> comment period expired on March 2, 2009. No comments were received.</p> <p><b>CONTACTS AND MAILING LIST:</b>                  TCEQ Attorney/SEP Coordinator: None                  TCEQ Enforcement Coordinator: Mr. Thomas Jecha, Enforcement Division, Enforcement Section 3, MC 169, (512) 239-2576;                  Ms. Cari-Michel La Caille, Enforcement Division, MC 219, (512) 239-1387                  Respondent: The Honorable Donald C. Majka, Mayor, City of Bridgeport, 900 Thompson Street, Bridgeport, Texas 76426                  Respondent's Attorney: Not represented by counsel on this enforcement matter</p>		

**VIOLATION SUMMARY CHART:**

VIOLATION INFORMATION	PENALTY CONSIDERATIONS	CORRECTIVE ACTIONS TAKEN/REQUIRED
<p><b>Type of Investigation:</b>  <input type="checkbox"/> Complaint  <input type="checkbox"/> Routine  <input type="checkbox"/> Enforcement Follow-up  <input checked="" type="checkbox"/> Records Review</p> <p><b>Date(s) of Complaints Relating to this Case:</b> None</p> <p><b>Date of Investigation Relating to this Case:</b> September 19, 2008</p> <p><b>Date of NOV/NOE Relating to this Case:</b> October 23, 2008 (NOE)</p> <p><b>Background Facts:</b> This was a record review.</p> <p><b>WATER</b></p> <p>1) Failure to comply with permitted effluent limitations for ammonia nitrogen, dissolved oxygen, and residual chlorine [TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010389002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6].</p> <p>2) Failure to timely submit monitoring results at the intervals specified in the permit. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was not submitted by September 1, 2007 [30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010389002, Sludge Provisions].</p>	<p><b>Total Assessed:</b> \$4,795</p> <p><b>Total Deferred:</b> \$959  <input checked="" type="checkbox"/> Expedited Settlement  <input type="checkbox"/> Financial Inability to Pay</p> <p><b>SEP Conditional Offset:</b> \$0</p> <p><b>Total Paid to General Revenue:</b> \$3,836</p> <p><b>Site Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Person Compliance History Classification</b>  <input type="checkbox"/> High <input checked="" type="checkbox"/> Average <input type="checkbox"/> Poor</p> <p><b>Major Source:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p><b>Applicable Penalty Policy:</b> September 2002</p>	<p><b>Corrective Actions Taken:</b></p> <p>The Executive Director recognizes that on October 31, 2008, the Respondent submitted the annual sludge report for the period ending July 31, 2007 that was due by September 1, 2007.</p> <p><b>Ordering Provisions:</b></p> <p>The Order will require the Respondent to, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010389002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations.</p>

Additional ID No(s): TPDES Permit No. WQ0010389002



# Penalty Calculation Worksheet (PCW)

Policy Revision 2 (September 2002)

PCW Revision October 30, 2008

<b>DATES</b>	Assigned	27-Oct-2008	Screening	6-Nov-2008	EPA Due	
	PCW	7-Nov-2008				

<b>RESPONDENT/FACILITY INFORMATION</b>			
Respondent	City of Bridgeport		
Reg. Ent. Ref. No.	RN102740230		
Facility/Site Region	4-Dallas/Fort Worth	Major/Minor Source	Minor

<b>CASE INFORMATION</b>			
Enf./Case ID No.	36784	No. of Violations	2
Docket No.	2008-1747-MWD-E	Order Type	1660
Media Program(s)	Water Quality	Government/Non-Profit	Yes
Multi-Media		Enf. Coordinator	Thomas Jecha
		EC's Team	Enforcement Team 3
Admin. Penalty \$ Limit Minimum	\$0	Maximum	\$10,000

## Penalty Calculation Section

<b>TOTAL BASE PENALTY (Sum of violation base penalties)</b>	<i>Subtotal 1</i>	\$3,100
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<b>ADJUSTMENTS (+/-) TO SUBTOTAL 1</b>		
Subtotals 2-7 are obtained by multiplying the Total Base Penalty (Subtotal 1) by the indicated percentage.		
Compliance History	55.0% Enhancement	<i>Subtotals 2, 3, &amp; 7</i> \$1,705

Notes: Enhancement for ten NOV's with self-reported effluent data and one NOV with same or similar violations at this facility within the past five years.

Culpability	No	0.0% Enhancement	<i>Subtotal 4</i>	\$0
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Notes: The Respondent does not meet the culpability criteria.

<b>Good Faith Effort to Comply Total Adjustments</b>	<i>Subtotal 5</i>	\$10
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Economic Benefit	0.0% Enhancement*	<i>Subtotal 6</i>	\$0
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Total EB Amounts \$247  
 Approx. Cost of Compliance \$2,860  
 \*Capped at the Total EB \$ Amount

<b>SUM OF SUBTOTALS 1-7</b>	<i>Final Subtotal</i>	\$4,795
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<b>OTHER FACTORS AS JUSTICE MAY REQUIRE</b>	0.0%	<i>Adjustment</i>	\$0
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Reduces or enhances the Final Subtotal by the indicated percentage.

Notes:

*Final Penalty Amount* \$4,795

<b>STATUTORY LIMIT ADJUSTMENT</b>	<i>Final Assessed Penalty</i>	\$4,795
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<b>DEFERRAL</b>	20.0% Reduction	<i>Adjustment</i>	-\$959
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Reduces the Final Assessed Penalty by the indicated percentage. (Enter number only; e.g. 20 for 20% reduction.)

Notes:

Deferral offered for expedited settlement.

<b>PAYABLE PENALTY</b>		\$3,836
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Screening Date 6-Nov-2008

Docket No. 2008-1747-MWD-E

PCW

Respondent City of Bridgeport

Policy Revision 2 (September 2002)

Case ID No. 36784

PCW Revision October 30, 2008

Reg. Ent. Reference No. RN102740230

Media [Statute] Water Quality

Enf. Coordinator Thomas Jecha

## Compliance History Worksheet

## &gt;&gt; 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)	11	55%
	Other written NOVs	0	0%
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	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 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) 55%

## &gt;&gt; Repeat Violator (Subtotal 3)

No

Adjustment Percentage (Subtotal 3) 0%

## &gt;&gt; Compliance History Person Classification (Subtotal 7)

Average Performer

Adjustment Percentage (Subtotal 7) 0%

## &gt;&gt; Compliance History Summary

Compliance History Notes

Enhancement for ten NOVs with self-reported effluent data and one NOV with same or similar violations at this facility within the past five years.

Total Adjustment Percentage (Subtotals 2, 3, &amp; 7) 55%

<b>Screening Date</b> 6-Nov-2008		<b>Docket No.</b> 2008-1747-MWD-E		<b>PCW</b>	
<b>Respondent</b> City of Bridgeport		<small>Policy Revision 2 (September 2002)</small>			
<b>Case ID No.</b> 36784		<small>PCW Revision October 30, 2008</small>			
<b>Reg. Ent. Reference No.</b> RN102740230					
<b>Media [Statute]</b> Water Quality					
<b>Enf. Coordinator</b> Thomas Jecha					
<b>Violation Number</b>	1				
<b>Rule Cite(s)</b>	Tex. Water Code § 26.121(a), 30 Tex. Admin. Code § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010389002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6.				
<b>Violation Description</b>	Failed to comply with permitted effluent limitations as shown in the attached table.				
<b>Base Penalty</b>				\$10,000	
<b>&gt;&gt; Environmental, Property and Human Health Matrix</b>					
OR	<b>Harm</b>			<b>Percent</b>	
	Major	Moderate	Minor		
	Actual	Potential	Potential		
	[ ]	[ ]	X	10%	
<b>&gt;&gt; Programmatic Matrix</b>					
	Falsification	Major	Moderate	Minor	<b>Percent</b>
	[ ]	[ ]	[ ]	[ ]	
<b>Matrix Notes</b>	A simplified model was used to evaluate ammonia nitrogen to determine whether the discharged amounts of pollutants exceeded levels protective of human health or the environment. Residual chlorine and dissolved oxygen were also considered. As a result of this violation, human health or the environment has been exposed to insignificant amounts of pollutants which did not exceed protective levels.				0%
<b>Adjustment</b>				\$9,000	
				\$1,000	
<b>Violation Events</b>					
<b>Number of Violation Events</b>		<b>Number of violation days</b>			
3		153			
<small>mark only one with an x</small>	daily	[ ]			<b>Violation Base Penalty</b>
	weekly	[ ]			
	monthly	[ ]			
	quarterly	X			
	semiannual	[ ]			
	annual	[ ]			
	single event	[ ]			
Three quarterly events are recommended.					
<b>Good Faith Efforts to Comply</b>					
		0.0% Reduction		\$0	
		Before NOV	NOV to EDRP/Settlement Offer		
Extraordinary	[ ]				
Ordinary	[ ]				
N/A	X	(mark with x)			
<b>Notes</b>	The Respondent does not meet the good faith criteria for this violation.				
<b>Violation Subtotal</b>				\$3,000	
<b>Economic Benefit (EB) for this violation</b>					
<b>Statutory Limit Test</b>					
<b>Estimated EB Amount</b>		<b>Violation Final Penalty Total</b>			
\$241		\$4,650			
<b>This violation Final Assessed Penalty (adjusted for limits)</b>				\$4,650	

## Economic Benefit Worksheet

**Respondent** City of Bridgeport  
**Case ID No.** 36784  
**Reg. Ent. Reference No.** RN102740230  
**Media** Water Quality  
**Violation No.** 1

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$2,760	30-Nov-2007	28-Aug-2009	1.75	\$241	n/a	\$241

**Notes for DELAYED costs**  
 Estimated cost to repair the aerator and purchase chemicals to clean lines contaminated with hydrocarbons from an oil field service company. The date required is the date the noncompliance began and the final date is the expected date of compliance.

### Avoided Costs

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

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

**Notes for AVOIDED costs**

<b>Approx. Cost of Compliance</b>	\$2,760	<b>TOTAL</b>	\$241
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<b>Screening Date</b>	6-Nov-2008	<b>Docket No.</b>	2008-1747-MWD-E	<b>PCW</b>
<b>Respondent</b>	City of Bridgeport			<i>Policy Revision 2 (September 2002)</i>
<b>Case ID No.</b>	36784			<i>PCW Revision October 30, 2008</i>
<b>Reg. Ent. Reference No.</b>	RN102740230			
<b>Media [Statute]</b>	Water Quality			
<b>Enf. Coordinator</b>	Thomas Jecha			

<b>Violation Number</b>	2
<b>Rule Cite(s)</b>	30 Tex. Admin. Code § 305.125(17) and TPDES Permit No. WQ0010389002, Sludge Provisions.
<b>Violation Description</b>	Failed to timely submit monitoring results at the intervals specified in the permit. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was not submitted by September 1, 2007.
<b>Base Penalty</b>	\$10,000

**>> Environmental, Property and Human Health Matrix**

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

**>> Programmatic Matrix**

	Falsification	Major	Moderate	Minor	
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<b>Percent</b> <input type="text" value="1%"/>
<b>Matrix Notes</b>	Less than 30% of the rule requirement was not met.				
					<b>Adjustment</b> <input type="text" value="\$9,900"/>

**\$100**

**Violation Events**

<b>Number of Violation Events</b>	<input type="text" value="1"/>	<input type="text" value="365"/>	<b>Number of violation days</b>
<i>mark only one with an x</i>	daily	<input type="checkbox"/>	<b>Violation Base Penalty</b> <input type="text" value="\$100"/>
	weekly	<input type="checkbox"/>	
	monthly	<input type="checkbox"/>	
	quarterly	<input type="checkbox"/>	
	semiannual	<input type="checkbox"/>	
	annual	<input type="checkbox"/>	
	single event	<input checked="" type="checkbox"/>	
One single event is recommended.			

**Good Faith Efforts to Comply**  **Reduction**  **\$10**

	Before NOV	NOV to EDPRP/Settlement Offer	
<b>Extraordinary</b>	<input type="checkbox"/>	<input type="checkbox"/>	
<b>Ordinary</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
<b>N/A</b>	(mark with x)		
<b>Notes</b>	The annual sludge report was received on October 31, 2008.		
			<b>Violation Subtotal</b> <input type="text" value="\$90"/>

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

<b>Estimated EB Amount</b>	<input type="text" value="\$6"/>	<b>Violation Final Penalty Total</b>	<input type="text" value="\$145"/>
		<b>This violation Final Assessed Penalty (adjusted for limits)</b>	<input type="text" value="\$145"/>

## Economic Benefit Worksheet

**Respondent** City of Bridgeport  
**Case ID No.** 36784  
**Reg. Ent. Reference No.** RN102740230  
**Media** Water Quality  
**Violation No.** 2

Percent Interest	Years of Depreciation
5.0	15

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

### Delayed Costs

Equipment				0.00	\$0	\$0	\$0
Buildings				0.00	\$0	\$0	\$0
Other (as needed)				0.00	\$0	\$0	\$0
Engineering/construction				0.00	\$0	\$0	\$0
Land				0.00	\$0	n/a	\$0
Record Keeping System				0.00	\$0	n/a	\$0
Training/Sampling				0.00	\$0	n/a	\$0
Remediation/Disposal				0.00	\$0	n/a	\$0
Permit Costs				0.00	\$0	n/a	\$0
Other (as needed)	\$100	1-Sep-2007	31-Oct-2008	1.17	\$6	n/a	\$6

Notes for DELAYED costs

Estimated cost to submit the missing report. The date required is the date the sludge report was due and the final date is the date compliance was achieved.

### Avoided Costs

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

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

Notes for AVOIDED costs

Approx. Cost of Compliance

\$100

TOTAL

\$6

# Compliance History Report

Customer/Respondent/Owner-Operator: CN600478721 City of Bridgeport Classification: AVERAGE Rating: 2.14  
Regulated RN102740230 CITY OF BRIDGEPORT Classification: AVERAGE Site Rating:0.40

ID Number(s): PETROLEUM STORAGE TANK REGISTRATION 46641  
REGISTRATION  
WASTEWATER PERMIT WQ0010389002  
WASTEWATER PERMIT TPDES0119733  
WASTEWATER PERMIT TX0119733  
WASTEWATER LICENSING LICENSE WQ0010389002

Location: 1500 FT SW OF INTER ST HWY 114 AND FM 2123, WISE CO. Rating Date: 9/1/2008 Repeat Violator: NO

TCEQ Region: REGION 04 - DFW METROPLEX

Date Compliance History Prepared: November 04, 2008

Agency Decision Requiring Compliance Enforcement

Compliance Period: November 04, 2003 to November 04, 2008

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

Name: Thomas Jecha Phone: 512 - 239 - 2576

## 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 11/20/2003 (327895)
- 2 12/15/2003 (327896)
- 3 01/12/2004 (327897)
- 4 02/17/2004 (327886)
- 5 02/20/2004 (327890)
- 6 03/18/2004 (327887)
- 7 04/21/2004 (327888)
- 8 05/17/2004 (367326)
- 9 06/07/2004 (367327)
- 10 07/12/2004 (367328)
- 11 08/09/2004 (367329)
- 12 09/13/2004 (367330)
- 13 10/11/2004 (367331)
- 14 11/08/2004 (390230)

15	12/10/2004	(390231)
16	01/13/2005	(390232)
17	02/09/2005	(427686)
18	04/26/2005	(427687)
19	05/16/2005	(427688)
20	06/09/2005	(427689)
21	06/27/2005	(397356)
22	07/18/2005	(427690)
23	08/29/2005	(447699)
24	09/19/2005	(447700)
25	10/03/2005	(492890)
26	11/09/2005	(492891)
27	12/15/2005	(492892)
28	01/09/2006	(492888)
29	03/09/2006	(492889)
30	04/14/2006	(506459)
31	05/10/2006	(506460)
32	06/22/2006	(506461)
33	07/17/2006	(528676)
34	08/16/2006	(509038)
35	08/28/2006	(528677)
36	09/14/2006	(528678)
37	10/06/2006	(551944)
38	11/06/2006	(551945)
39	12/14/2006	(551946)
40	01/10/2007	(589280)
41	02/16/2007	(589275)
42	03/15/2007	(589276)
43	04/20/2007	(589277)
44	05/18/2007	(589278)
45	06/20/2007	(589279)
46	07/12/2007	(605797)
47	08/07/2007	(567831)
48	08/15/2007	(605798)
49	09/18/2007	(605799)
50	11/19/2007	(631956)
51	11/19/2007	(631957)
52	12/28/2007	(631958)
53	01/18/2008	(677430)
54	02/13/2008	(677429)
55	03/17/2008	(696156)
56	04/17/2008	(696157)
57	05/30/2008	(696158)
58	10/24/2008	(703372)

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

Date: 06/30/2005 (397356)

Self NO  
Report?

Classification: Moderate

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

Description: Failure to provide an adequate backflow prevention assembly device at the plant's main potable water service line.

Self NO  
Report?

Classification: Minor

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

Rqmt Prov: PERMIT WQ0010389-002

Description: Failure to complete and submit the 2004 annual sludge DMR with attachments by

September 1, 2004.

Self Report? NO Classification Minor

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

Rqmt Prov: PERMIT WQ0010389-002

Description: Failure to provide documentation of liquid paint filter test results for sludge disposed in a municipal landfill.

Self Report? NO Classification: Minor

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

Rqmt Prov: PERMIT WQ0010389-002

Description: Failure to provide adequate sampling documentation.

Date: 11/30/2006 (551946)

Self Report? YES Classification Moderate

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

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

Date: 11/30/2007 (631958)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 01/31/2008 (677429)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 03/31/2008 (696157)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 04/30/2008 (696158)

Self Report? YES Classification: Moderate

Citation: 2D TWC Chapter 26, SubChapter A 26.121(a)  
30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 05/31/2008

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: 06/30/2008

Self Report? YES Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 07/31/2008

Self Report? YES Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date: 08/31/2008

Self Report? YES Classification: Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

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

Date 09/30/2008

Self Report? YES

Classification

Moderate

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

30 TAC Chapter 305, SubChapter F 305.125(1)

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

F. Environmental audits.

N/A

G. Type of environmental management systems (EMSs).

N/A

H. Voluntary on-site compliance assessment dates.

N/A

I. Participation in a voluntary pollution reduction program.

N/A

J. Early compliance.

N/A

Sites Outside of Texas

N/A

**Effluent Limit Violation Table**

table rev.

<b>Respondent</b>	City of Bridgeport
<b>ID Number(s)</b>	TPDES Permit No. WQ0010389002, Case No. 36784
<b>Docket Number</b>	2008-1747-MWD-E
<b>Enf. Coordinator</b>	Thomas E. Jecha
<b>Corresponds to Violation Number:</b>	1

	EFFLUENT PARAMETER									
	Permit Limit									
	NH3-N daily avg loading (lbs/day)	NH3-N daily avg conc (mg/l)	Dissolved Oxygen minimum (mg/l)	Residual Chlorine minimum (mg/l)	Residual Chlorine maximum (mg/l)					
<b>Month/Year</b>	14	2	5	1	4					
11/30/2007	c	c	c	0.6	c					
1/31/2008	c	c	c	c	5.1					
3/31/2008	23.9	4	4.3	c	c					
4/30/2008	26.8	4	c	c	c					
5/31/2008	17.3	4	3.2	c	c					

mg/l = milligrams per liter  
 lbs/day = pounds per day  
 c = compliant  
 NH3-N = ammonia nitrogen



# TEXAS COMMISSION ON ENVIRONMENTAL QUALITY



IN THE MATTER OF AN  
ENFORCEMENT ACTION  
CONCERNING  
CITY OF BRIDGEPORT  
RN102740230

§           BEFORE THE  
§  
§           TEXAS COMMISSION ON  
§  
§           ENVIRONMENTAL QUALITY

## AGREED ORDER DOCKET NO. 2008-1747-MWD-E

### I. JURISDICTION AND STIPULATIONS

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

1. The City owns and operates a wastewater treatment plant located approximately 1500 feet southwest of the intersection of State Highway 114 and Farm-to-Market Road 2123 in Wise County, Texas (the "Facility").
2. The City has discharged municipal waste into or adjacent to any water in the state under TEX. WATER CODE ch. 26.
3. The Commission and the City agree that the Commission has jurisdiction to enter this Agreed Order, and that the City is subject to the Commission's jurisdiction.
4. The City received notice of the violations alleged in Section II ("Allegations") on or about October 28, 2008.
5. The occurrence of any violation is in dispute and the entry of this Agreed Order shall not constitute an admission by the City of any violation alleged in Section II ("Allegations"), nor of any statute or rule.
6. An administrative penalty in the amount of Four Thousand Seven Hundred Ninety-Five Dollars (\$4,795) is assessed by the Commission in settlement of the violations alleged in Section II



("Allegations"). The City has paid Three Thousand Eight Hundred Thirty-Six Dollars (\$3,836) of the administrative penalty and Nine Hundred Fifty-Nine Dollars (\$959) is deferred contingent upon the City's timely and satisfactory compliance with all the terms of this Agreed Order. The deferred amount will be waived upon full compliance with the terms of this Agreed Order. If the City fails to timely and satisfactorily comply with all requirements of this Agreed Order, the Executive Director may require the City to pay all or part of the deferred penalty.

7. Any notice and procedures, which might otherwise be authorized or required in this action, are waived in the interest of a more timely resolution of the matter.
8. The Executive Director of the TCEQ and the City have agreed on a settlement of the matters alleged in this enforcement action, subject to the approval of the Commission.
9. The Executive Director recognizes that on October 31, 2008, the City submitted the annual sludge report for the period ending July 31, 2007 that was due by September 1, 2007.
10. The Executive Director may, without further notice or hearing, refer this matter to the Office of the Attorney General of the State of Texas ("OAG") for further enforcement proceedings if the Executive Director determines that the City has not complied with one or more of the terms or conditions in this Agreed Order.
11. This Agreed Order shall terminate five years from its effective date or upon compliance with all the terms and conditions set forth in this Agreed Order, whichever is later.
12. The provisions of this Agreed Order are deemed severable and, if a court of competent jurisdiction or other appropriate authority deems any provision of this Agreed Order unenforceable, the remaining provisions shall be valid and enforceable.

## II. ALLEGATIONS

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

1. Failed to comply with permitted effluent limitations, in violation of TEX. WATER CODE § 26.121(a), 30 TEX. ADMIN. CODE § 305.125(1), and Texas Pollutant Discharge Elimination System ("TPDES") Permit No. WQ0010389002, Effluent Limitations and Monitoring Requirements Nos. 1, 2, and 6, as documented during a record review conducted on September 19, 2008 and shown in the table below:

	NH3-N daily avg loading (lbs/day)	NH3-N daily avg conc (mg/l)	Dissolved Oxygen minimum (mg/l)	Residual Chlorine minimum (mg/l)	Residual Chlorine maximum (mg/l)
<i>Month/Year</i>	14	2	5	1	4
11/30/2007	c	c	c	0.6	c
1/31/2008	c	c	c	c	5.1
3/31/2008	23.9	4	4.3	c	c
4/30/2008	26.8	4	c	c	c
5/31/2008	17.3	4	3.2	c	c

NH3-N = Ammonia Nitrogen, lbs/day = pounds per day, mg/l = milligrams per liter, c = compliant



2. Failed to timely submit monitoring results at the intervals specified in the permit, in violation of 30 TEX. ADMIN. CODE § 305.125(17) and TPDES Permit No. WQ0010389002, Sludge Provisions, as documented during a record review conducted on September 19, 2008. Specifically, the annual sludge report for the monitoring period ending July 31, 2007 was not submitted by September 1, 2007.

### III. DENIALS

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

### IV. ORDERING PROVISIONS

1. It is, therefore, ordered by the TCEQ that the City pay an administrative penalty as set forth in Section I, Paragraph 6 above. The payment of this administrative penalty and the City's compliance with all the terms and conditions set forth in this Agreed Order resolve only the allegations in Section II. The Commission shall not be constrained in any manner from requiring corrective action or penalties for violations which are not raised here. Administrative penalty payments shall be made payable to "TCEQ" and shall be sent with the notation "Re: City of Bridgeport, Docket No. 2008-1747-MWD-E" to:

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

2. It is further ordered that the City shall, within 90 days after the effective date of this Agreed Order, submit written certification of compliance with the effluent limits of TPDES Permit No. WQ0010389002, including specific corrective actions that were implemented at the Facility to achieve compliance and copies of the most current self-reported discharge monitoring reports, demonstrating at least three consecutive months of compliance with all permitted effluent limitations. The certification shall be 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

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



## SIGNATURE PAGE

TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

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

John Sullivan  
For the Executive Director

2/5/2009  
Date

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

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

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

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

Donald C. Matka  
Signature

12/16/08  
Date

DONALD C MATKA  
Name (Printed or typed)  
Authorized Representative of  
City of Bridgeport

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.

1/10/20

1/10/20

1/10/20

1/10/20